

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73078 of 2023

Arising Out of PS. Case No.-455 Year-2023 Thana- HARNAUT District- Nalanda

SUNIL KUMAR Son of Lalo Ram Resident of Village - Balwaper, P.S.-
Harnaut (Kalyan Bigha), District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Harnaut (Kalyan Bigha) P.S. Case No. 455 of 2023 for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2022 lodged on 26.08.2023 by the informant, Chandra Mauli Verma.

3. As per the prosecution story, the police intercepted a Toto Rickshaw and motorcycle and recovered/seized 16/20 liters of country made liquor respectively. The petitioner was driver of Toto Rickshaw owned by his father.

4. Learned counsel for the petitioner submits that he was carrying the passengers who escaped leaving the motorcycle and the Rickshaw and he got falsely implicated and has already suffered by being in custody since 27.8.2023 (para-



12 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that he is in custody since 27.8.2023, FIR lodged and will be ultimately facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-5th-cum Special Judge, Excise, Nalanda at Biharsharif, in connection with Harnaut (Kalyan Bigha) P.S. Case No. 455 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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