

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73118 of 2022

Arising Out of PS. Case No.-637 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

VIVEK @ SONU KUMAR S/O BINOD THAKUR Resident of village-
Premnagar Bahori Tola P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-04-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Runnisaidpur P.S. Case No. 637 of 2022 dated 11.10.2022 registered for the offence(s) punishable under Section(s) 30(a), 32, 36 and 41 of Bihar Prohibition and Excise Act.

4. The main submissions advanced by the learned counsel for the petitioner are that though in the present matter, seventeen persons including the petitioner have been named as accused in the FIR and petitioner is alleged to have been



arrested at the spot along with two other co-accused persons but he has no concern with any of the seized vehicles and the alleged liquor, though against the petitioner, there is criminal antecedent of one case but he is on bail in said case and two co-accused persons, namely, Pravin Kumar and Guljar Ansari, who were apprehended on the spot, have been granted bail by different co-ordinate Benches of this Court vide orders passed in Cr. Misc. No. 5242 of 2023 and 70406 of 2022 respectively and the case of this petitioner stands on similar footing with the aforesaid co-accused persons and the petitioner has been languishing in jail since 12.10.2022.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly the fact that two similarly situated co-accused persons have been granted bail by different co-ordinate Benches of this Court, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Runnisaidpur P.S. Case No. 637 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned on the following conditions:-



(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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