

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75695 of 2023

Arising Out of PS. Case No.-152 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Sunil Kumar @ Sunil Bharadwaj @ Sunil Sharma S/O Late Kalyan Sharma
Village- Noorpur, Ps. Gulati, Dist. Bulandshahar, Uttar Pradesh. At Present
R/O Village- 71 Sector Eta First Greater Noida, Ps. Surajpur, Dist. Gautam
Budh Nagar (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 420, 467, 468, 471,
120B of the Indian Penal Code and Sections 30(a), 21, 32, 41(i)
and 36 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of
total 7127.280 liters of foreign liquor from a Truck.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to
dirty village politics. He has committed no offence. Petitioner
was not apprehended on spot. The name of the petitioner has
come into light on the basis of confessional statement of co-
accused Krishna Yadav, which has got no evidentiary value in



the eyes of law and he has already been acquitted in the present case. Petitioner has no concern either with the seized vehicle or with the wine in question. No incriminating article has been recovered from the conscious possession of the petitioner. On the basis of suspicion and due to his criminal antecedents, he has been made accused in this case. Petitioner has remanded in this case on 17.10.2023 from another case and since then he is languishing in judicial custody.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge Excise, Kishanganj in connection with Kochadhaman P.S. Case No. 152 of 2022.

(Sunil Kumar Panwar, J)

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