

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4243 of 2023**

Arising Out of PS. Case No.-7 Year-2021 Thana- GANGABRIDGE District- Vaishali

Sunil Kumar Son of Late Kailash Singh @ Bhuttu Singh R/v- Sahdullahpur,
P.S.- Ganga Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
17.11.2022, in connection with Ganga Bridge P.S. Case No. 07
of 2021, F.I.R. dated 07.01.2021 registered for the offences
punishable under Sections 30(a), 36, 41(i) of the Bihar
Prohibition and Excise Act.

Recovery is of 7685.640 litres of Indian made foreign
liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case merely on the basis that the petitioner is the owner
of the pick-up van in question and the previous criminal
antecedent of the petitioner. He further submits that it appears



from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the conscious possession of the petitioner rather recovery has been made from the pick-up van in question and the pick-up van of the petitioner was hired by one Rajiv Kumar and the petitioner has no concern at all with the alleged recovery of illicit liquor from the pick-up van. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 07 of 2021, subject to the following conditions :-



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

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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