

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8073 of 2024

Arising Out of PS. Case No.-546 Year-2023 Thana- LAXMIPUR District- Jamui

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Sunny Kumar @ Sunni Kumar @ Sanni Kumar S/O Devendra Singh Resident
of Village-Sabour, P.S.-Barauni Refinery O.P., District-Begusarari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Laxmipur (Gidhour) P.S. Case No. 546 of 2023 instituted for
offences under Section 272, 273 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police, on receipt of
confidential information, reached at NH 333, Jamui-Jhajha main
road, in front of Sri Gas Agency. During checking, a white
colour four wheeler Tata Pick-up vehicle bearing Registration
No. BR09GB-8533, was coming from the search side. When
the police team tried to stop him, he tried to run away by
breaking the bracketing which ultimately was caught by the



police but, the driver anyhow managed to flee away from there. The Khalasi was arrested who disclosed his name as Sunny Kumar (the petitioner). On search, the police recovered 1167.750 liters foreign liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case only on the suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of the Tata Pick-up vehicle. The petitioner is a cleaner and has nothing to do with the alleged recovery of liquor or the vehicle, in question. The petitioner was not aware of the contents of the material loaded in the vehicle. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 09.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the



petitioner as also the petitioner having no criminal antecedent,
let the petitioner, abovenamed, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten thousand) with two sureties of
the like amount each to the satisfaction of Court
below/concerned Court in connection with Laxmipur (Gidhour)
P.S. Case No. 546 of 2023.

(Rudra Prakash Mishra, J)

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