

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16867 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- LAURIA District- West Champaran

Sunil Kumar S/o Laxman Mehta R/o vill - Kajaha Babhani ward no. 2, P.S. -
Gamhariya, Distt. - Madhepura, Bihar, Presently staying at R/o Mamura Gali
No. 01, Sector 66, P.S. - Gautambudh Nagar, U.P. Pin 201301

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Lauriya P.S. Case No.
328 of 2023, instituted for the offences punishable under
Sections 272, 273, 420, 467, 468, 471, 34 of the Indian Penal
Code, Sections 30(a) and 36 of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that, 3569.625
liters liquor was recovered from truck and petitioner was
apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.



Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that petitioner is driver of the truck and he has no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 08.12.2023 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lauriya P.S. Case No. 328 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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