

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63098 of 2024

Arising Out of PS. Case No.-211 Year-2021 Thana- MADHUBAN District- East Champaran

Sunil Kumar @ Sunil Bhardwaj, Son of Late Kalyan Sharma, R/O- C/71,
Sector Eta-1, Greater Noida, P.S.- Greater Noida, Dist.- Gautambudh Nagar,
Uttar Pradesh, PIN-201310

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satish Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Madhuban P.S. Case No.211 of 2021 registered for the offences punishable under Sections 272, 273, 120-B, 420, 467, 468, 471 of the Indian Penal Code as well as Sections 30(a), 32, 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is to have in possession of 8812.26 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. It is submitted by learned counsel appearing for the petitioner that petitioner has been falsely implicated with



present case only for the reason that he is one of the Directors of M/s. Kalamat Distillery and Brewery Pvt. Ltd., which is situated at 9th Mile Stone Swarghat Road, Village-Bhangala, Tahsil-Nalagarh, Dist-Solan, (HP). It is submitted that on the basis of the disclosure made by the driver of the truck, name of the petitioner was involved in this case. It is further submitted that petitioner is the Director of aforesaid company, which is duly registered under Indian Companies Act, 1956. It is pointed out that admittedly no recovery was made from the physical possession of this petitioner. Learned counsel also submitted that almost with similar allegation, the petitioner has been implicated with 15 more criminal cases since 2019, where in all case, he is on bail.

5. While concluding argument, learned counsel referred to Annexure-2 of second supplementary affidavit dated 23.09.2024, wherein a petition was filed to the SHO, Nalagarh, District-Solan that some persons engaged in duplicate manufacturing of his brand "Royalson Gold Whisky" in Jharkhand and engaged in selling of such duplicate liquor in surrounding areas.



6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. In view of the aforesaid facts and circumstances, as admittedly implication of petitioner was only being Managing Director of M/s. Kalamat Distillery and Brewery Pvt. Ltd., where nothing incriminating including illicit liquor recovered from his physical possession, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-3, Civil Court, Motihari/concerned court in connection with Madhuban P.S. Case No.211 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

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