

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72976 of 2024

Arising Out of PS. Case No.-346 Year-2024 Thana- SIRDALA District- Nawada

Sunil Kumar Son of Manoj Prasad Village- Madhi, Kalaunda, Ps- Parnadabar,
dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed as also in paragraph 10 of the petition, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Sirdalla P.S. Case No. 346 of 2024 registered for the offences punishable under Sections 30(a)/41 of the Bihar Prohibition and Excise Act.

4. As per prosecution case, there is alleged recovery of 200 liters country made liquor from the motorcycle in question. Petitioner is said to have apprehended on the spot.

5. Learned counsel for the petitioner submits that



petitioner is innocent and has not committed any offence as alleged in the first information report. Learned counsel orally submits that petitioner is not the owner of the motorcycle in question. Petitioner was merely a passer by and he was asked by the police to disclose about the persons who managed to flee away and since petitioner was not in a position to disclose about the persons, he has been falsely implicated in this case. Petitioner bears no criminal antecedent and is in custody since 10.09.2024.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, petitioner bears no criminal antecedent, argument advanced on behalf of both sides and the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court-1, Nawada in connection with Sirdala P.S. Case No. 346 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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