

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83350 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- PATEPUR District- Vaishali

Sudhir Kumar S/O Arjun Rai Village- Chaklalsahi, Ps. Halai (O.P.), Dist. Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Patepur P.S. Case No. 161 of 2023 registered for the offences punishable under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, there was alleged recovery of 1559.52 liters foreign liquor from a container in question and the petitioner alongwith other fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is in custody since 15.10.2023. Petitioner bears two criminal antecedents in which he is on bail. Learned counsel further submits that the petitioner is not apprehended on the spot



and the name of petitioner surfaced in this case on the basis of secret information. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner is neither owner nor driver of the said container and he has no concern with the alleged recovered liquor. Nothing has been recovered from conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R. On similar and identical allegation, co-accused Dayanand Mandal and Satish Ray have already been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. no.49956/2023 and Cr. Misc. No.53889/2023 respectively and the case of present petitioner stands on similar footing as he is also not apprehended on the spot.

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

6. Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, argument advanced on behalf of the parties and also taking into consideration 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) with two sureties



of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 161 of 2023, 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 tampers 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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