

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84752 of 2024

Arising Out of PS. Case No.-792 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Sunil Kumar S/O Late Samay Singh Resident of at - Haidarpur, P.S-
Salimarbag, Dist- South West Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kiran Kumari Sharma, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Excise Kaimur (Bhabhua) P.S. Case No. 792 of 2024 for the offence punishable under Sections 30(a), 32(i), 32(iii) of the Bihar Prohibition and Excise Act, 2016 lodged on 14.10.2024 by the informant, Shailesh Sahni.

3. As per the prosecution story, the informant alleged that during patrolling and upon secret information, a Hyundai Aura Car was intercepted and there is recovery/seizure of 166.125 liters of country made liquor. Accordingly, the FIR/arrest.

4. It is the case of the petitioner that he is not the owner of the said car, was present in it, little realizing that in its dicky, the alleged liquor is there, he do not have criminal



antecedent and has remained in custody since 15.10.2024. Further submission is that in Cr. Misc. No. 84071 of 2024 (Prince Kumar & Anr. vs. the State of Bihar), this Court has extended the relief to them vide an order dated 10.12.2024. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.5,000/- to the District Legal Services Authority, Kaimur at Bhabhua for the fixation of steel Benches/beautification of the Civil Court Campus, Kaimur at Bhabhua through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that he was present in the Car.

6. Considering the aforesaid submissions put forward by the parties as also the fact that the petitioner do not own the car, a categorical statement has been made that he do not have criminal antecedent, has remained in custody since 15.10.2024 and the co-accused (Prince Kumar & Anr. in Cr. Misc. No. 84071 of 2024) have been granted relief, this Court is inclined to extend him the privilege of bail subject to payment of Rs.5,000/- to the District Legal Services Authority, Kaimur at Bhabhua for the fixation of steel Benches/beautification of the



Civil Court Campus, Kaimur at Bhabhua through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Kaimur at Bhabhua, in connection with Excise Kaimur (Bhabhua) P.S. Case No. 792 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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