

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.279 of 2024

Arising Out of PS. Case No.-597 Year-2023 Thana- Excise P.S. District- Kaimur (Bhabua)

SUNIL KUMAR SON OF LATE BARJU RAM RESIDENT OF VILLAGE-
KISHUNPURA, PS- BHABUA, DIST- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with P.R.
No. 597 of 2023 arising out of Kaimur (Bhabua) Excise P.S.
Case No. 597 of 2023 registered for the offences punishable
under Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise (Amendment) Act ,2018.

3. As per prosecution case, there was alleged
recovery of 259.200 litre foreign liquor from the Maruti Suzuki
car in question and petitioner being driver of the said car
apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 04.09.2023 and bears no criminal
antecedent. Learned counsel orally submits that charge sheet



has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no compliance of Section 100 of Cr.P.C. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel orally submits that petitioner is not the owner of the vehicle in question and petitioner being a driver has to follow the instruction of his owner to earn livelihood. Petitioner has no knowledge that illicit liquor kept in the said vehicle. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

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, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides 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 Judge, (Excise) II Kaimur at Bhabua in connection with P.R. No. 597 of 2023 arising out of Kaimur (Bhabua) Excise P.S. Case No. 597 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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