

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9854 of 2025

Arising Out of PS. Case No.-263 Year-2024 Thana- RAJPUR District- Buxar

Sunil Kumar @ Sunil Kumar Dhobi @ Sunil Baitha @ Sunil Rajak S/O Late
Wakil Dhobhi @ Late Wakil Baitha R/O Village- Nagpur, P.S- Rajpur, Dist.-
Buxar.

... .. Petitioner/s

Versus

The Stae of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2025 Heard Mr. Kamal Deo Sharma, learned counsel for

the petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the

State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 221, 223, 126(2), 115(2),
132, 121(1), 121(2), 109, 3(5) of the B.N.S. and Section 30 (a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Earlier the petitioner has been granted anticipatory
bail by this Court vide order dated 19.11.2024 passed in Cr.
Misc. No.76494 of 2024, then the petitioner surrendered before
the learned Trial Court and released on bail on 29.11.2024,
thereafter the petitioner came before the learned Trial Court for
confirmation of his bail but due to concealment of criminal



history petitioner has been taken in judicial custody on 16.12.2024.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 25.74 litres of foreign liquor is said to have recovered from a bag laden on the motorcycle. He submits that petitioner has been made accused in the present case on the basis of disclosure made by an apprehended co-accused due to previous enmity. He further submits that petitioner has two criminal antecedents and has been languishing in custody since 16.12.2024.

5. Petitioner is agreed to deposit a sum of Rs.5,000/- (Rupees Five Thousand) in the account of Lawyer's Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Rajpur P.S. Case No.263 of 2024, subject to further conditions that:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Lawyer's Association Welfare Benevolent Fund.

(Anjani Kumar Sharan, J)

anand/-

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