

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51103 of 2025

Arising Out of PS. Case No.-245 Year-2025 Thana- ALOULI District- Khagaria

Sunny Kumar S/o Pawan Yadav R/o Village-Alauli, P.S.- Alauli, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, the police received an information that the petitioner along with one Krishna Kumar and Chhotu Kumar are selling illegal wine. The police conducted a raid, however, all the accused persons managed to flee and on the disclosure made by the local Chaukidar, the petitioner and others were named.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated merely because he carries criminal antecedent including one case of similar offence.



It has further been submitted that no incriminating article has been recovered from the conscious possession of the petitioner and admittedly the seizure of 17.250 litres of foreign liquor was recovered from an open space. Learned counsel lastly submits that the petitioner has two criminal antecedents. The learned counsel for the petitioner undertakes to deposit a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court, Patna.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail.

6. Considering the aforesaid submissions, the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on deposition of a sum of Rs. 5,000/- to the Advocate Association of the Patna High Court, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bonds on furnishing bail bond of Rs. 10,000/- (Ten 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 Alauli P.S. Case No. 245 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.



(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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