

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75174 of 2025

Arising Out of PS. Case No.-711 Year-2021 Thana- KHAGARIA District- Khagaria

Sunil Kumar @ Sunil Bhardwaj S/O Late Kalyan Sharma R/O C-71, ETA First, Greater Noida, P.S- Beta 2 Distt.- Gautam Budh Nagar, U.P.-201310, having permanent address at Village- Noorpur Mandiya, P.S- Gulawathi, Distt.- Bulandshahar, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 31-10-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Khagaria (Muffasil) P.S. Case No. 711 of 2021 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Earlier, vide order dated 23.08.2024 passed in Cr. Misc. No. 58929 of 2024, the prayer of the petitioner for grant of anticipatory bail was rejected by this Court.

4. The prosecution case, in short, is that total 2934 litres of liquor was recovered from a container bearing Registration No. UP-21N-5111.



5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that petitioner is not named in the FIR and his name has transpired in this case in course of investigation on the basis of confessional statement of co-accused Shyam Yadav. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner is in no manner connected with the vehicle in question or the alleged recovery of liquor. The petitioner is in custody since 28.09.2025 and has thirteen criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khagaria (Muffasil)



P.S. Case No. 711 of 2021, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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