

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88035 of 2024

Arising Out of PS. Case No.-406 Year-2021 Thana- BYPASS District- Patna

SUNIL KUMAR S/o SHIV PUJAN RAI R/o Village- Bichla Tola, P.S.-
Didarganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bypass P.S. Case No.406 of 2021 lodged under Section 30(a) of
Bihar Prohibition and Excise Act.

3. As per the prosecution case, the F.I.R. has been
lodged against four named accused persons including the
petitioner with allegation that recovery of 200 litres desi wine
has alleged to be made, which is subject matter of the present
case.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that nothing has been recovered from the petitioner's possession
rather the said *desi* wine has been recovered from the possession



of other accused persons on whose confession, the petitioner's name has figured in this case.

5. Learned Counsel further submits that presently, at the time of filing of the bail application, there are two criminal cases pending against him about which he has disclosed in paragraph 3 of the bail petition. He further submits that from the case number itself in which he is seeking bail, there was no criminal antecedent of the petitioner at that very time.

6. Learned Counsel further submits that the petitioner is in custody since 11.11.2024.

7. Learned counsel for the State opposes the prayer for bail and submits that it is true that the case in which the petitioner seeks bail is of the year 2021 subsequently, his name has figured in two more cases in the year 2022.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna City in connection with Bypass P.S. Case No.406 of 2021, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-



(i) one of the bailor should be the family member 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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