

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41563 of 2026

Arising Out of PS. Case No.-335 Year-2015 Thana- KOTWALI District- Patna

Sunil Kumar Son of Biltu Mahto Resident of Village- Sirsiya Bazar, Ward No. 7, P.S.- Bela, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Mr. Harsh Anuj, learned counsel for the
petitioner and Mr. Anil Prasad Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 27.05.2026, in connection with Special Case No. 6573 of 2021 arising out of Kotwali P.S. Case No. 335 of 2015, F.I.R. dated 06.07.2015 registered for the offences punishable under Section 309 of the Indian Penal Code and Section 47 (A) of the old Excise Act (Bihar Excise Act 1915).

3. Recovery is of 199.00 litres of *illicit* liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. As per allegation in



the F.I.R, the petitioner fled away from the place of occurrence. He further submits that in fact the petitioner was not present at the place of occurrence and he has been made accused in the present case on the basis of suspicion and except the suspicion, nothing cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. The petitioner is in custody since 27.05.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and he has been made accused merely on the basis of suspicion, 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 Special Excise Judge 1st, Patna in connection with Special Case No. 6573 of 2021 arising out of Kotwali P.S. Case No. 335 of 2015, subject to the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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