

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14964 of 2019

Arising Out of PS. Case No.-123 Year-2017 Thana- GUTHANI District- Siwan

SONU SINGH @ GYANDEV SINGH Son of Raghav Singh, Resident of
Village-Balahu, Police Station-Darauli, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 09.08.2018 in a case registered for the offences punishable under Sections 272, 273 of the I.P.C. and Sections 41(i), 30(a) and 38(a) of the Bihar Prohibition and Excise Act, 2016.

It appears that the petitioner is languishing in judicial custody since 09.08.2018, but it has wrongly been recorded in the impugned order that he is languishing in judicial custody since 09.08.2017.

The prosecution case is that the police during vehicle check intercepted a vehicle from which, 387 litres of country made liquor were recovered. Subsequently, the driver of the vehicle was apprehended who disclosed his name as Subhash Kumar. The apprehended co-accused person further disclosed



the name of the person at whose behest the liquor was being transported as Sonu Singh @ Gyandev Singh, the petitioner.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner and the co-accused, Subhash Kumar from whose possession the recovery was made has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.10.2017, passed in Criminal Miscellaneous No. 48609 of 2017. It is further submitted that though the petitioner is accused in eleven other cases apart from the present case, but in those cases he is on bail.

Learned APP for the State submits that the driver of the vehicle from which the said recovery has been made has suggested the name of the petitioner at whose behest the said liquor was being transported and the petitioner is having serious criminal antecedent.

Considering the fact that co-accused Subhash Kumar on whose confession, the petitioner has been named in the present case has been granted bail by a Co-ordinate Bench of this Court, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise) Act, Siwan in connection with Guthani P.S. Case No.123 of 2017.

Since the petitioner is having serious criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or substantially gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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