

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75040 of 2018

Arising Out of PS. Case No.-448 Year-2017 Thana- RAMPUR District- Gaya

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Birju Sonar, S/o Mohan Sao, Resident of Village- Domtoli, Gewalbigha
Durga Asthan, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

The petitioner is languishing in judicial custody since
01.11.2018 in connection with Rampur P.S.Case No.448 of 2017
for the offence alleged under Section 30(a) of the Bihar wine
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that during night patrolling duty, a pick up van was
stopped on suspicion but the driver and two persons jumped
from the van and fled away. From the van 141 litres of country
made liquor was recovered. Driving licence was in the name of
one of co-accused Ranjit Kumar Mehta and petitioner was
recognized by the police personnel who was arrested later on.

It has been submitted by the learned counsel for the
petitioner is that he is innocent and has falsely been implicated
in the aforesaid case. He submits that nothing has been
recovered from his conscious possession and only on suspicion,



the petitioner has been made accused. He further submits that the driver of the vehicle who fled away has already been granted pre-arrest bail by a coordinate Bench of this Court in Cr.Msc.No.11473 of 2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 in connection with Rampur P.S.Case No.448 of 2017 to the satisfaction of Special Excise Judge, Gaya subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

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(Nilu Agrawal, J)

