

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17928 of 2020**

Arising Out of P.S. Case No.-99 Year-2019 Thana- LALGANJ District- Vaishali

Sonu Singh @ Prince Kumar, aged about 22 years, Male, Son of Late Rakesh Singh, Resident of Village - Manidih, P.S.- Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 29-05-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Lalganj PS Case No. 99 of 2019 dated 17.03.2019 instituted under Sections 353, 307 and 308/34 of the Indian Penal Code and 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner and others is that they were indulging in liquor business and from the Bolero pick-



up vehicle, which was caught after chase, 1194.120 litres of foreign liquor was recovered.

5. Learned counsel for the petitioner submitted that he was neither caught at the spot nor there is any recovery from his possession. It was further submitted that only on suspicion, he has been made an accused. Learned counsel submitted that the vehicle did not belong to him and the owner of the vehicle, namely Krishan Kumar, who has also been made accused has been granted bail by a co-ordinate Bench on 18.11.2019 in Cr. Misc. No. 68208 of 2019. Learned counsel submitted that though the petitioner has been made accused earlier in two other cases, but in those also, there is no recovery from his conscious possession. It was submitted that the petitioner is in custody since 22.02.2020.

6. Learned APP, from the case diary, submitted that though nothing has been found to directly connect the petitioner with the recovered liquor, but he is alleged to have been involved in the trade of liquor, which is illegal in the State of Bihar.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District



Judge II-cum- Sessions Court, Vaishali at Hajipur in Lalganj PS Case No. 99 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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