

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25417 of 2020**

Arising Out of PS. Case No.-240 Year-2019 Thana- MAHNAR District- Vaishali

Sonu Singh @ Sonu Kumar Singh @ Sonu, (male) aged about 24 years, S/O of
Ramadhar Singh, R/O Village - Chamrahara @ Chamarahra, P.S.- Mahnar,
District – Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Chandra Gandhi, Advocate
For the State	:	Mr. Nand Kumar, APP

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

Date : 06-11-2020

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

2. Heard Mr. Manish Chandra Gandhi, learned counsel for the petitioner and Mr. Nand Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Mahnar PS Case No.240 of 2019 dated 26.06.2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



4. The allegation against the petitioner is that from the Maruti 800 vehicle which was being driven by co-accused, Anjan Singh, illicit liquor totalling 305.280 litres was recovered.

5. Learned counsel for the petitioner submitted that besides no person being caught at the spot, the only allegation is that two persons had abandoned the car when the police had come and run away and it is alleged that the villagers had stated the name of the accused, including the petitioner. Learned counsel submitted that he has no connection with Anjan Singh and the vehicle also did not belong to him and further, that even the confessional statement of the co-accused, Anjan Singh, who was later on arrested, is before the police and once the name of the petitioner has been introduced in the FIR itself, it is obvious that the police have got the name of the petitioner in the confessional statement of the co-accused also, but the same is totally incorrect. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the name of the petitioner had been disclosed by the villagers, who had gathered at the place of seizure. However, he did not controvert the fact that the confessional statement of the co-accused, Anjan Singh, is later on when he was arrested and is also before the police.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 Additional Sessions Judge-II-cum- Excise Court, Vaishali at Hajipur, in Mahnar PS Case No.240 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further, (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, tamper with the evidence or influence the witnesses. 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)

J. Alam/-

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