

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13754 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- CHORAUT District- Sitamarhi

Sonu Kumar, S/o Surydev Chaudhari, Resident of Village - Bhittha Dharmpur
(Jalalpur Bhittha), Police Station - Pupri, District - Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-08-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Chauraut P.S. Case No.88 of 2020 registered for the offence
punishable under Section 30(a), 38, 41 of the Bihar Prohibition
and Excise Act, 2016.

223.8 litres illicit liquor has allegedly been
recovered from an auto in which the petitioner was seated.



Counsel for the petitioner submits that the petitioner has no concern with the alleged recovered liquor. It is a case of implication under false notion that the petitioner was carrying the same. He was, in fact, a *bona fide* passenger in the tempo and has become a victim of circumstances. Recovery is not in accordance with law. Petitioner is in custody since 05.09.2020, having no criminal antecedents. It is submitted that co-accused Brajmohan Kumar has already been allowed bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 Additional District & Sessions Judge 2nd cum Special Judge (Excise), Sitamarhi, District-Sitamarhi, in connection with Chauraut P.S. Case No.88 of 2020, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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