

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7172 of 2021**

Arising Out of PS. Case No.-384 Year-2020 Thana- KOTWALI District- Patna

MD. SONU Son of Late Md. Aftab Kureshee Resident of Mohalla - Kamla
Nehru Nagar, Behind of Imamvara, P.S.- Kotwali, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pranaya Shanker Sinha, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-04-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular
bail in connection with Special Case No.5548/2020, arising out
of Kotwali P.S. Case No.384/2020, registered for the offences
punishable under Sections 30(a), 36(i), (2) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story in brief is that when the
informant who is S.H.O. of Kotwali P.S. was on patrolling duty
on 21.09.2020 at about 8.00 pm he received a secret information
that one Md. Sonu (the petitioner) in the area of Kotwali P.S.



was involved in sale and purchase of illegal wine. It is further alleged that when the informant reached at Samudaik Bhawan, Kamla Nehru Nagar, the petitioner, on seeing the police party, tried to escape but he was apprehended by the police. Thereafter on search from a bag total 9 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case merely on suspicion. Learned counsel submits that no illicit liquor has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner has remained in jail in connection with this case since 22.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the allegation against this petitioner is that he was apprehended with six pieces of 180 ML English wine and fruity pack whisky 180 ML of six pieces and in connection with the present case the petitioner has remained in jail since 22.09.2020, although there is one case against him but he is said to be on bail in the said case as stated in paragraph '3' of the application, the investigation of this case being complete, this Court directs



release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No.5548/2020, arising out of Kotwali P.S. Case No.384/2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

