

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3244 of 2022

Arising Out of PS. Case No.-319 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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SONU KUMAR S/o Balkeshwar Yadav R/o Amarpur, P.S. - Rafiganj, District
- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise

Case No. 319 of 2021 registered for the offences punishable

under Section 30(a) of Bihar Prohibition and Excise

Amendment Act, 2018.

As per prosecution case, there is alleged recovery

of 645 litre country made liquor from the vehicle in question

and petitioner was apprehended at the spot with the seized

liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.11.2021 and bears no criminal antecedent. He further submits that petitioner is innocent and has committed no offence and he has been implicated in this case merely on suspicion. Nothing incriminating article has been recovered from conscious possession of the petitioner nor he is involved in any illegal trade of wine. Petitioner is neither owner nor driver of the vehicle in question. Petitioner has no concern with the seized liquor. Prosecution report has been submitted in the case and there is no likelihood of tampering the evidence. Seizure list was not made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available 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 to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Gaya in connection with Excise Case No. 319 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother



or sister or brother or wife or the person who sworn the affidavit
in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates would be a ground for cancellation of bail by the learned
Trial court itself.

(iii) If the petitioner tampers with the evidence or
the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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