

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9211 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- PARSABAZAR District- Patna

SONU KUMAR S/O SRI JAGNARAYAN MISTRI R/o village- Kashai, P.S.-
Parsbigha, Distt.- Jehanabad, at present tenant in the house of Sabuj Devi at
Village- New Atwarpur, P.S.- Parsa Bazar, Distt.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special Case No. 7507 of 2021, arising out of Parsa Bazar
Police Station Case No. 408 of 2021, registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information,
recovered 158.625 litres of illicit liquor from one swift dzire car
and 4.5 litres of illicit liquor from one motorcycle and arrested
two persons riding on the motorcycle, namely, Rohit Kumar and
Ajit Kumar.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive by the police and he has not committed any offence in the manner alleged. He further submits that the name of the petitioner has been disclosed by the arrested co-accused persons as the person who succeeded in fleeing away from the place of occurrence. He further submits that the petitioner is neither the owner nor the driver of the swift dzire/motorcycle and no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to him. He further submits that the petitioner is in custody since 10.12.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that the petitioner is not the driver or owner of any of the vehicles, no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to him, charge sheet has already been submitted and the petitioner is in custody since 10.12.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No. 7507 of 2021, arising out of Parsa Bazar Police Station Case No. 408 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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