

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10576 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- KATRA District- Muzaffarpur

SANU KUMAR @ SONU MISHRA Son of Tannu Mishra @ Shatrudhan
Mishra Resident of Village - Dhanaur, P.S. Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Katra P.S.
Case No. 109 of 2021, registered for the offence under Sections
414/34 of the Indian Penal Code and Sections 30(a), 32, 41(1)
of the Bihar Prohibition and Excise Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 29.12.2021.

The allegation against the accused/petitioner to
involved in business of illicit foreign Indian made liquor along
with other co-accused persons. A total of 3566.160 litres of
foreign liquor was recovered from the house of one of the



co-accused, from three motorcycle total 25.920 litres of foreign liquor and from truck total 5.250 liquor was recovered on police raid.

Learned counsel for the petitioner submitted that the name of the accused/petitioner has been surfaced in the present case on the basis of confessional statement of co-accused Kundan Paswan and Vijay Paswan. It has been submitted that there is no recovery of any incriminating material from the possession of the petitioner which may connect the petitioner in alleged activity of selling of illicit foreign liquor. Learned counsel further pointed out that petitioner involved in three cases of similar nature and he is on bail. It has also been submitted that petitioner was in jail on the date of police raid. Charge-sheet has been submitted and there is no chance of tampering of evidence.

Learned APP while opposing the prayer for bail fairly conceded the fact that the name of the accused/petitioner has been transpired on the confessional statement of co-accused persons and no incriminating materials has been recovered from the possession of the petitioner.

Considering the facts and circumstances as mentioned above, as no incriminating material has been recovered from the



possession of the petitioner, coupled with the fact that the charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Katra P.S. Case No. 109 of 2021, on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur, subject to the following condition:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption be allowed on medical ground of petitioner only.

(iii) That one of the bailors shall be the deponent of the present bail petition, who is Arun Mishra, uncle of the petitioner.

(Chandra Shekhar Jha, J)

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