

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16915 of 2022

Arising Out of PS. Case No.-859 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Sonu Ray @ Sonu Kumar, Son of Meghnath Ray, Resident of Village -
Madhopur, P.s.- Maniyari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. K. Kishore (App 100)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Muzaffarpur Town P.S. Case No. 859 of 2020,
G.R. No. 1751 of 2020 registered for the alleged offences under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story is that from the house of co-
accused Rahul Kumar, 210.705 litres of India made foreign
liquor was recovered and the co-accused named this petitioner
and another co-accused as persons who used to supply the illicit



liquor to the co-accused.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of confessional statement of co-accused Rahul Kumar. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. All the recovery has been shown from the house of the co-accused. The learned counsel further submits that only allegation against the petitioner for supplying the illicit liquor is based on the statement of co-accused and apart from that, there is nothing against this petitioner. Learned counsel further submits that the charge-sheet has been submitted in this case and the petitioner is in custody since 03.02.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner is dealing in trade of illicit liquor.

Having regard to the rival submissions and considering the fact that the petitioner has not been arrested from the spot, no recovery has been shown from his possession and further considering the submission of charge-sheet as well as the period of his custody, the petitioner above named is directed to be released on bail on 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 Court No.-1, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 859 of 2020, G.R. No. 1751 of 2020 , subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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