

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22459 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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SONU KUMAR @ ROCKY Son of Basant Kumar Resident of Village -
Kasera Toli, Ward No.- 23, Near Ganesh Memorial Purani Bazar, P.O.- Siwan,
P.S.- Siwan Town, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi
For the Opposite Party/s : Mr.Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2022 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 Siwan

Excise P.S. Case No. 56 of 2022 registered for the offences

punishable under Section 30(a) of Bihar Prohibition and Excise

(Amended) Act, 2018.

As per seizure list, there is alleged recovery of

altogether 796.48 litre country made liquor as well as English

wine from the room adjacent to the house of the petitioner. It is

alleged that petitioner along with others are apprehended on the

spot.



Learned counsel for the petitioner submits that petitioner is in custody since 26.02.2022 and bears criminal antecedent of three cases of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. It is submitted that nothing has been recovered from the house of the petitioner rather the same was recovered from a room which is adjacent to the house of the petitioner and the said room does not belong to the petitioner. The petitioner has been made accused in this case only on the basis of suspicion.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** 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-2, Siwan in connection with Siwan Excise P.S. Case No. 56 of 2022, subject to following conditions:-

(i) One of the bailors 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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