

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22238 of 2022

Arising Out of PS. Case No.-750 Year-2020 Thana- KANTI District- Muzaffarpur

Sonu Bhagat @ Sonu Chaurasiya Son Of Shiv Kumar Bhagat R/O Village-
Sarmastpur, P.S.- Sakra, District- Muzaffarpur, Pin-843104

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and
learned APP for the State through virtual court proceeding.

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 G.R. No. 1699/2020 arising out of Kanti P.S. Case No. 750 of 2020 registered for the alleged offences under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, 2516.400 liters of India made foreign liquor was recovered from a truck which was



concealed under husk. The co-accused driver and a cleaner were apprehended. The apprehended co-accused person named this petitioner as well as some other co-accused persons who were to receive the delivery of the consignment of the illicit liquor.

Learned counsel for the petitioner submits that the petitioner has no role in the whole occurrence. He has been falsely implicated merely on the statement of co-accused. The petitioner has not been arrested from the spot and has got no concern with the recovery made by the police. No incriminating article has been recovered from the conscious possession of the petitioner. Though, it has been alleged that petitioner is involved in the business of illicit liquor, nothing has been brought on record to show the involvement of the petitioner in such trade. Learned counsel further submits that other co-accused persons namely Bharat Bhushan Mishra and Ranjeet Mishra have been granted bail by this court vide order dated 29.07.2022 passed in Cr. Misc. No. 21676/2022 and Cr. Misc. No. 20384/2022. Charge sheet has been submitted in this case and the petitioner is in custody since 21.01.2022.

Learned APP opposes the prayer for bail of the



petitioner submitting that the petitioner is part of a gang doing illegal trade of India made foreign liquor in the State of Bihar.

Having regard to the submission made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession and further considering the grant of bail to similarly placed co-accused persons and submission of charge sheet along with period of custody of the petitioner, 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 Exclusive Special Judge Excise II, Muzaffarpur in connection with G.R. No. 1699/2020 arising out of Kanti P.S. Case No. 750 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit.



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

(iv) 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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