

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25948 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- KORHA District- Katihar

Sonu Kumar Son of Navin Mahaldar @ Navi Mahaldar Resident of Village -
Belouri, P.S. - Muffasil, District - Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Advocate.

For the Opposite Party/s : Mr. Surendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Bal Krishna Mishra, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Korha P. S. Case No. 431 of 2021
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act

As per the prosecution case, it is alleged that the
Police, on a secret information, intercepted a Pick-Up Van
however on noticing the Police party, one person fled away and



this petitioner was apprehended at the spot. On search being made altogether 1089 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner of the vehicle nor driver of the same and moreover, he has no concern with the alleged recovered illicit wine. It is further submitted that the petitioner is a man of fair antecedent and on the alleged fateful day he was just standing beside the vehicle and the police on suspicion apprehended him. It is next submitted that his is in custody since 27.09.2021 though, after conclusion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended at the spot.

Having considered the submissions made on behalf of the parties and taking into account the period of custody apart from that the petitioner was neither owner nor driver of the said vehicle and he is a man of fair antecedent and he is in custody since 27.09.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge IV-cum-Exclusive Special Excise Judge No. 2, Katihar in connection with Korha P. S. Case No. 431 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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