

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26596 of 2022

Arising Out of PS. Case No.-542 Year-2021 Thana- HISUWA District- Nawada

Sonu Kumar Bhagat @ Sonu Bhagat Son Of Late Vishwanath Prasad Bhagat
R/O- Vill- Chauparan (TAJPUR), P.S.- Chauparan, Dist- Hazaribagh
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Heard Mr. Deepak Kumar, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State through video conferencing.

Petitioner seek bail in a case registered in connection
with Hisua P.S. Case No. 542 of 2021 for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act 2016.

As per the prosecution case ,it is alleged that in course
of vehicle checking, police received information that some
persons are engaged in selling of illicit liquor, intercepted
Innova vehicle, where six persons were sitting and after seeing
the police party, five persons fled away and one person was
apprehended. On search being made total 106.60 liters of Indian



made foreign liquor was recovered from the vehicle.

Learned counsel appearing on behalf of the petitioner submits that petitioner was neither apprehended on the spot nor any incriminating article has been recovered. It is further submitted that the name of the petitioner transpired on the disclosure made by co-accused and save and except the disclosure, there is no other material which suggests the complicity of the petitioner. It is next submitted that this petitioner is in custody since 09.03.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted. Apart from the fact that co-accused Rajesh Saw @ Rajesh Kumar, who is having identical allegation has been granted bail by co-ordinate Bench of this Court in Cr. Misc. No. 65805 of 2021 vide order dated 24.01.2022.

On the other hand, learned counsel for the state vehemently oppose the bail application of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested on the spot nor any incriminating material has been recovered from person and possession of the petitioner. Moreover, petitioner is in custody since 09.03.2022 and the investigation of the crime is already completed and the charge-



sheet has been submitted and there is no likelihood of the commencement of the trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1, Nawada in connection with Hisua P.S. Case No. 542 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

N.K/-

(Harish Kumar, J.)

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