

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28305 of 2022**

Arising Out of PS. Case No.-152 Year-2020 Thana- RAGHUNATHPUR District- Siwan

Sonu Singh, Son of Chandarma Singh, Resident of Village- Santhi, P.S.-
Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 05-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Prabhakar Singh, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Raghunathpur P.S. Case No. 152 of 2020
registered for the offences punishable under Sections 30(a) and
38 of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information raided the house of the petitioner, however,
it is alleged that on noticing the police party one person
managed to flee away. On search being made total 70 litres of
country made illicit liquor, from a bush about 200 meters away
from the petitioner's house, was recovered.



It is submitted by the learned counsel for the petitioner that from the tenor of the F.I.R. it is evident that no recovery has been made from the house of the petitioner, rather the recovery has been made from a bush situated 200 meters away from the petitioner's house. It is next submitted that this petitioner is in custody since 19.02.2022 and only because of the past criminal antecedent, he has been made accused in this case. It is next submitted that there is no compliance of the provisions of Section 100 of the Cr.P.C. in preparation of seizure list.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the recovery has been made from a bush and moreover the petitioner is in custody since 19.02.2022, though the investigation of the crime is completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, 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-cum- Special Judge Excise Court -2, Siwan in connection with Raghunathpur P.S. Case No. 152 of 2020 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 physically 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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