

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28392 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- WARISLIGANJ District- Nawada

Sonu Singh Son of Late Arun Singh R/o Village - Kochagawn, P.S.-
Warsaliganj, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with GR
No. 442/21 arising out of Warsaliganj P.S. Case No. 85 of 2021
under sections 30(a), 30(d) of Bihar Prohibition and Excise Act.

The prosecution case, in brief, is that while the
informant was on day-patrolling duty, he received an
information that in village Konchgawan illegal country made
liquor is being prepared by Sonu Singh, the petitioner herein in
his orchard. Upon such information, the informant along with
other police force rushed there but after seeing a police they
managed to flee away. However, he was identified by the local



‘choukidar’ as Sonu Singh, the petitioner herein. Upon search, the police recovered/seized total 800 semi-prepared illegal country made liquor and accordingly seizure list was prepared and the recovered/seized liquor was destroyed by the police.

Mr. Ashutosh Singh, learned counsel for the petitioner submits that 800 liters of country made liquor is alleged to have been recovered/seized. However, he questioned the recovery/seizure on the ground that the police themselves state that the same was destroyed. He accordingly, submits that the evidence having been destroyed by the police themselves, the continued incarceration of the petitioner in the judicial custody which is which is since 11.3.2022 (as stated in para-9) is without any basis.

Considering the aforesaid facts, as also the fact, petitioner is in custody since 11.3.2022 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Special Judge, (Excise) 2,Nawada, in connection with GR No. 442/21 arising out of Warsaliganj P.S. Case No. 85 of 2021 subject to the following



conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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