

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39715 of 2021**

Arising Out of PS. Case No.-112 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

Sonu Kumar S/O Uma Rajvanshi @ Uma Ram R/O Village-Kataiya, P.S-Roh,
District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 05-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 09.03.2021 seeks
bail in connection with G.O. Case No.112/2021 registered for
offence punishable under Section 30(a) Bihar Prohibition and
Excise Act.

Prosecution case in short, is that during checking of
vehicle, vehicle of petitioner was searched and 90 liters illicit
country-made wine was recovered.

Learned counsel appearing on behalf of the petitioner



submits that there is no criminal history of the petitioner and he has falsely been implicated in the present case due to suspicion when the police reached the P.O. at that time the petitioner was going to Govindpur market on foot and apprehended on the basis of suspicion. He further submits that nothing has been recovered from the conscious possession of the petitioner.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case as well as the fact that similarly situated one co-accused Ajay Chaudhary has been released on bail vide order dated 05.10.2021 passed in Cr. Misc. No.39615/2021. Petitioner is having no criminal antecedent, prima facie, it appears that he was mere a passer-by, learned court below is directed to satisfy himself as to whether any other criminal case or excise case is pending against the petitioner and after verifying the same, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, IInd-cum-Special Judge, Excise, Nawada in connection with G.O. Case No.112/2021, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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