

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37280 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- KHAIRA District- Saran

Sonu Kumar Singh @ Sonu Kumar, Son of Kashi Nath Singh, R/o- Vill-
Mishrawaliya, P.S.- Jalalpur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shatrughan Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 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. Shatrughan Pandey, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Khaira P.S. Case No. 162 of 2022 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that 162 litres of
illicit country made liquor was recovered from the motorcycle
of the petitioner.

Learned counsel for the petitioner submits that the



alleged motorcycle, from which recovery has been made, does not belong to the petitioner. He further submits that in fact nothing has been recovered from the person or possession of this petitioner, however, only on account of some altercation, which took place between the police and the petitioner, his name has been implicated in this case. He further submits that the petitioner, having fair antecedent, is in custody since 01.05.2022, apart from the fact that there is no compliance of Section 100 of the Cr.P.C.

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 taking into consideration the fact that the seizure list witnesses are only police constables and, moreover, the motorcycle does not belong to the petitioner and the petitioner, having fair antecedent, is in custody since 01.05.2022, and after completion of the investigation, charge sheet has been submitted, 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 2nd Exclusive Special Judge, Excise, Saran in connection with Khaira P.S. Case No. 162 of 2022



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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