

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36129 of 2022

Arising Out of PS. Case No.-852 Year-2021 Thana- SARAIYA District- Muzaffarpur

Sonu Kumar, Son of Subodh Thakur, Resident of Village - Shankar Saraiya,
P.S. Turkauliya, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Saraiya P.S. Case No. 852 of 2021 registered
for the alleged offences under Sections 414, 272, 273/34 of the
Indian Penal Code, Section 30 (a) of the Bihar Prohibition and
Excise Act, Sections 20, 22 of the NDPS Act and Section 25 (1-
b)a, 26 and 35 of the Arms Act.

As per prosecution case, during routine checking of
vehicles, one alto car was intercepted and the petitioner along
with the other co-accused persons were apprehended from the



car and two persons fled away from the car. On search of the co-accused Khurshid Alam, one country made loaded pistol along with one live cartridge were recovered and from the co-accused Sumit Kumar, one live cartridge was recovered. From the desk box of the car, 1 KG of ganja was recovered apart from 2.160 liters of India made liquor which was recovered from the dicky of the car. From the possession of the petitioner, a master key has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has got no concern with the vehicle seized by the police and has nothing to do with the recovery of ganja or the liquor which was made from the car. The petitioner was passing through the road and he has made accused by the police in its high handedness. Learned counsel further submits that statutory provisions of search and seizure have not been followed. The quantity of ganja comes under the category of small quantity and it was not recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 18.12.2021.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in two



cases as well.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered from his person or possession and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 2, Muzaffarpur in connection with Saraiya P.S. Case No. 852 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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