

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36818 of 2022

Arising Out of PS. Case No.-44 Year-2019 Thana- MOKAMAH District- Patna

Sonu Kumar Son Of Krishnandan Singh @ Kisho Singh Resident Of Village -
Barahpur Madhurapur Tola, P.S. - Mokama District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmod Kumar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Mokama P.S. Case No. 44 of 2019 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the police received information that the petitioner and other co-accused persons were bringing a large consignment of foreign liquor on a Tata pick-up-van and the same was found parked near the temple but no one was present there. After search of the pick-up-van, 1314 liters of



India made foreign liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and no recovery has been made from his conscious possession. The petitioner has no concern either with the seized vehicle or the seized liquor. Similarly placed co-accused Vinit Kumar has been granted anticipatory bail vide order dated 16.07.2019 passed in Cr. Misc. No. 41755/2019 and another co-accused Karu Kumar has been granted bail by another Coordinate Bench vide order dated 01.10.2019 passed in Cr. Misc. No. 61893/2019. The petitioner is in custody since 11.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the huge quantity of liquor was recovered. The petitioner is named in the FIR.

Having regard to the submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the lack of material to connect with the petitioner to the alleged recovery, the petitioner above named 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 Court Excise, Barh in connection with Mokama P.S.
Case No. 44 of 2019, 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)

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