

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47511 of 2021**

Arising Out of PS. Case No.-239 Year-2020 Thana- SAKRA District- Muzaffarpur

SONU CHAURASIA @ SONU KUMAR Son of Shiv Kumar Bhagat
Resident of Village - Sarmastpur, P.S.- Sakra, Distt.- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 25-02-2022 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Sakra P.S.
Case No. 239 of 2020 registered under Sections 467, 468, 420,
272, 273 and 34 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

Petitioner is in custody since 04.06.2021. It is
alleged that the police have received intimation regarding



unloading of illicit liquor from a truck. They have reached the place to verify information where 2620.80 litres illicit liquor has been seized. Co-accused Imran and Wali were apprehended from the place at the time of recovery and they have stated that the petitioner and one Anil Rai had brought the liquor and were going to indulge in its sale.

The learned counsel for the petitioner submits that in a similar manner, petitioner has earlier been implicated in at least four cases, as per disclosure made in paragraph 3, out of which he is on bail in two cases. There is no recovery from the petitioner's conscious possession nor he was present at the time of recovery as per prosecution case. The submission is total denial of any concern with the recovered liquor and that investigation is now complete.

Learned APP has opposed the prayer for bail. It is submitted that huge quantity of liquor has been recovered and the petitioner has at least four antecedents even as per his disclosure in the bail application.

This court has considered the rival submissions and the facts and circumstances of the case, even as per prosecution case, petitioner was not present at the time of recovery, implication in the other cases is also in similar manner though



there is no recovery alleged from the petitioner. The period of custody and the fact that the petitioner has not allegedly misused the privilege of bail granted in earlier two cases also needs to be considered. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Muzaffarpur in Sakra P.S. Case No. 239 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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