

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39641 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- NATIONAL HIGHWAY District-
Samastipur

MD. SONU Son of Md. Chhote @ Md. Chhotu Resident of village -
Gaddopur, P.S. - N. H. Bangra, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-08-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para 1 of the petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with N.H.
Bangra P.S. Case No. 61 of 2021 registered for the offences
punishable under Sections 272, 273 of the I.P.C. and Sections
30(a), 41(1) of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery
of 1140.48 litre foreign liquor from the truck as well as pickup



van in question.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation on the disclosure of co-accused Amit Kumar, name of present petitioner surfaced in this case. Petitioner is in custody since 30.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from possession of the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, nature of allegation, petitioner is not named in the FIR, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur in connection with N.H.



Bangra P.S. Case No. 61 of 2021, Reg. No. 688/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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