

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55448 of 2021

Arising Out of PS. Case No.-338 Year-2021 Thana- JAKKANPUR District- Patna

Sonu Kumar, S/o Awadhesh Ray R/o Kabirchak, P.S.- Nadi, District- Patna.
A/p Jhopari beside Patna Jn. Railway Station, P.S.- Jakkanpur, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

In the present case, the petitioner seeks bail in
connection with Special Case No. 4578 of 2021 arising out of
Jakkanpur P.S. Case No. 338 of 2021 registered for the alleged
offences under Sections 30(a), 36 and 41 of the Bihar
Prohibition and Excise Act.

As per prosecution case, 156.420 liters of India
made foreign liquor was recovered from a tempo and the
petitioner and two other co-accused persons were apprehended
from the said place. It came to the knowledge that petitioner and
others were trafficking the liquor from U.P. to Bihar and selling

the same.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner was merely a passerby and was arrested and made accused in this case without any recovery. The petitioner has no concern with the tempo or the liquor seized from it. Charge sheet has been submitted in this case and the petitioner is in custody since 26.07.2021. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that this petitioner was enlarged on provisional bail earlier vide order dated 14.02.2022 passed by a Coordinate Bench. Thereafter, the petitioner absconded and after much effort by this court, the petitioner could be apprehended. Under the circumstances, the petitioner does not deserve to be enlarge on bail.

Perused the records.

Having regard to the submission made and conduct of the petitioner, I am not inclined to enlarge this petitioner on bail at this stage and hence, his prayer for grant of bail is rejected.

Learned trial court is directed to expedite the trial and

conclude the same within six months positively and send a compliance report to this court.

However, if the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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