

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46331 of 2022**

Arising Out of PS. Case No.-167 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

SONU KUMAR @ RISHU KUMAR S/o Ajai Singh @ Ajay Kumar Singh
Resident of sonepur, P.S.- Sonepur, District- Saran (Chhapra)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 09-09-2022 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 through virtual mode.

The petitioner seeks bail in connection with
Mohania P.S. Case No. 167 of 2022 (Excise Case No. 593 of
2022) registered for the offences punishable under Sections
30(a) and 41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 143.5 litres illicit liquor from the car in question and
petitioner and others apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.03.2022. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery or with the seized vehicle. Learned counsel for the petitioner further submits that as a matter of fact, the petitioner was returning from Vindhyachal and at the relevant time he was taking tea at a nearby tea-stall and in course of chasing the police apprehended the petitioner on suspicion whereas the real culprits fled away.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-IV-cum-Special Judge Excise – I,
Kaimur at Bhabhua in connection with Mohania P.S. Case No.
167 of 2022 (Excise Case No. 593 of 2022), 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)

amitkr/-

U		T	
---	--	---	--

