

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47851 of 2022**

Arising Out of PS. Case No.-873 Year-2021 Thana- FORBESGANJ District- Araria

Md. Sonu @ Salim @ Sonu S/O Md. Alam @ Alamm Ansari Resident of  
village- Fulwariya Hat, Ward No- 07, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      15-10-2022                      Heard learned counsel for the petitioner and learned  
APP 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. 848 of 2022 arising out of  
Forbesganj P.S. Case No. 873 of 2021 registered for the alleged  
offences under Sections 272, 273, 328 and 34 of the Indian  
Penal Code and Sections 30(a) and 38(1) of the Bihar  
Prohibition and Excise Act, 2016.

As per prosecution case, police received secret  
informant about huge quantity of liquor being carried in a  
container truck. During search, recovery of total 2084.240 litres  
of India made foreign liquor was made from a container truck.



No one was apprehended from the spot but the police named the petitioner and the co-accused who brought the illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the seized articles and he has no knowledge about it. Neither the container truck nor the recovered liquor belong to this petitioner. The name of the petitioner was dragged in this case due to highhandedness of the police. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 26.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made on behalf of the parties and considering the fact that nothing has been recovered from this petitioner and further considering the period of custody of the petitioner along with the submission of charge-sheet, 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 Exclusive Special Judge Excise-I, Araria in connection



with Special Case No. 848 of 2022 arising out of Forbesganj  
P.S. Case No. 873 of 2021, subject to the other conditions under  
Section 437(3) of the Cr.P.C. and 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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