

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50570 of 2022

Arising Out of PS. Case No.-422 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Sonu Kumar, Son of Purnavasi Gond, R/O Village- Bharkuriya, P.S.- Dehri
(T), District- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Today, this case has been listed on priority basis, on
the motion slip filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Raghunandan Kumar Singh, learned
counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sasaram (Darigaon) P.S. Case No. 422 of 2022
registered for the offence punishable under Section 30 (a) of the
Bihar Prohibition and Excise Act, 2018.

The police on a secret information, apprehended three
persons, including the petitioner and on search total 30 litres of
country made liquor was recovered from the possession of the



petitioner. It is further alleged that total 80 litres of country made liquor was also recovered from other two persons.

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the conscious or constructive possession of the petitioner and from the seizure list, it is evident that the recovery is shown from near the Pindi of Devi Jee and the petitioner has neither any concern with the country made liquor nor from the place of occurrence. He next submits that there is no compliance of Section 100 of the Cr.P.C, apart from the fact that the witnesses are police constables and moreover, the petitioner, having fair antecedent, is in custody since 26.05.2022, and now the investigation of the crime is already complete and charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and charge-sheet has been submitted and the petitioner, having fair antecedent, is in custody since 26.05.2022, let the petitioner, named above, be



released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Court No.-II, Rohtas at Sasaram in connection with Sasaram (Darigaon) P.S. Case No. 422 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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