

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52609 of 2022**

Arising Out of PS. Case No.-309 Year-2022 Thana- SAHPUR District- Patna

Sonu Kumar, S/O Ashok Prasad @ Ashok Ram, Resident of Village- Sarai,  
P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

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

2      23-11-2022      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 Excise Case No. 939 of 2022 arising  
out of Shahpur P.S. Case No. 309 of 2022 registered for the  
alleged offences under Sections 30(a), 41 and 56 of the Bihar  
Prohibition and Excise Act.

As per prosecution case, recovery of 140 litres of  
India made foreign liquor was made from a tempo from which  
this petitioner along with co-accused driver of the tempo were  
apprehended.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. Petitioner was merely a passenger in the tempo in question and he has no concern with the seized liquor. Petitioner is neither the owner nor the driver of the seized tempo. The petitioner is in custody since 27.06.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and 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 Special Excise Judge, Danapur, Patna in connection with Special Excise Case No. 939 of 2022 arising out of Shahpur P.S. Case No. 309 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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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