

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52811 of 2022**

Arising Out of PS. Case No.-140 Year-2021 Thana- CHANAN District- Lakhisarai

SONU KUMAR @ SONU KUMAR YADAV Son of Chamak Lal Yadav
Resident of Village - Kundar, P.S.- Chanan, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Ms.Sucheta Yadav

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

2 14-10-2022 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 Chanan
P.S. Case No. 140/2021 registered for the offences punishable
under Sections 272/273/34 of the Indian Penal Code and
Sections 30(a) (b) (c) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

As per prosecution case, there is alleged recovery of
total 90 liters country made Mahua liquor from Kundar forest.
The local Chaukidar and villagers disclosed the name of
petitioner and others who fled away from the place of
occurrence. It is alleged that petitioner and others were indulged



in manufacturing of illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case only on suspicion. The petitioner is languishing in custody since 12.06.2022 and bears criminal antecedent of three cases of similar nature. He further submits that the petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the manufacturing of liquor or its trade of liquor. Seizure list has not been prepared as per law and there is no compliance of Section 100 (4) Cr.P.C.

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, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge cum Special Excise Court-1, Lakhisarai, District-Lakhisarai in connection



with Chanan P.S. Case No. 140/2021, 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)

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