

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68318 of 2021**

Arising Out of PS. Case No.-503 Year-2021 Thana- SONEPUR District- Saran

=====

Sanoj Kumar Rai S/O Shivparshan Rai R/o village- Chitrachak, P.S.- Sonapur,
District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh, Advocate

For the Opposite Party/s : Mr. Meena Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sonapur
P.S. Case No. 503 of 2021 registered for the offence under
Section 30(a), 38 and 41(i) of Bihar Prohibition and Excise Act,
2016.

The accused/petitioner is named in the F.I.R. and is in



custody since 30.08.2021.

The allegation against the petitioner is to have in possession of 45 liters of illicit liquor, which was recovered from a Maruti car bearing Registration no. BR 1 R 2502.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not the owner of the car and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery. It has further been submitted that the recovery has not been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in two similar nature of cases in which he is on bail. It has also been submitted that similarly situated co-accused has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 68394 of 2021 dated 06.05.2022. While concluding the argument, it has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that recovery cannot be said from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned



above, as the recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Sonapur P.S. Case No. 503 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(iii) That one of the bailors shall be Shivprasann Rai, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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

