

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71150 of 2021**

Arising Out of PS. Case No.-222 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

SONU KUMAR CHOUDHARY @ SONU CHAUDHARY SON OF
RAJESH CHAUDHARY RESIDENT OF VILLAGE- KHANDA, P.S-
SASARAM (MUFFASIL) DIST- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 390 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

SANJAY CHOUDHARY @ BAIJU CHOUDHARY @ BAIJU KUMAR S/O
ROHIT CHOUDHARY R/o village- Khandha, P.S.- Sasaram (Muffasil),
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71150 of 2021)

For the Petitioner/s : Mr.Ashwani Kumar Tiwary

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

(In CRIMINAL MISCELLANEOUS No. 390 of 2022)

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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

10 22-07-2022 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 petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with



Sasaram Muffasil P.S. Case No. 222 of 2021 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total 4806 litres of illicit liquor has been recovered from the truck in question. It is further alleged that petitioner Sonu Kumar Choudhary was alleged to have acted as facilitator and petitioner namely Sanjay Choudhary and others were alleged to have brought illicit liquor on truck in question.

Learned counsel for the petitioners submits that Sonu Kumar Choudhary is in custody since 22.09.202 and Sanjay Choudhary is in custody since 21.08.2021. Sonu Kumar Choudhary bears criminal antecedent of one case and Sanjay Kumar Choudhary bears criminal antecedent of four cases of similar nature. charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioners. The petitioners have no concern with the alleged recovery. The petitioners are not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, petitioners are not apprehended on



spot, and also taking into consideration the material available on record, let the petitioner Sonu Kumar Choudhary be released on bail and petitioner Sanjay Kumar Choudhary be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – 2nd-cum- Special Judge, Excise, Rohtas at Sasaram in connection with Sasaram Mufassil P.S. Case No. 222 of 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) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper 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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