

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7788 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

Sonal Kumar S/o Hari Shankar Thakur R/o Shiv Bihar-20, Gali No. 8, House no. 101, 2nd Pavi Sadakpur Koloni, Gaziabad, P.S.- Tranik City, Distt-Gaziabad (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Mohammadpur P.S. Case No. 304 of 2022 dated 14.12.2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for petitioner are that the instant matter relates to the recovery of 230.4 litres of Indian made english wine and the same is stated to have been recovered from a Hyundai car and as per the prosecution's allegation the petitioner was found in the said car when the alleged wine was recovered and seized, infact the petitioner was present in the said car in the capacity of driver and he is not the owner of the said car and he was simply

discharging his duty of driver as per the instruction given by his owner and moreover, against the petitioner the investigation has been completed and he has been languishing in jail since 15.12.2022.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent as mentioned in the petition, his custody period and completion of investigation against him, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail, **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Mohammadpur P.S. Case No. 304 of 2022 **further on this condition that both the bailors shall be local residents within the jurisdiction of the trial Court, having sufficient immovable property to the satisfaction of the trial Court.**

(Shailendra Singh, J)

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