

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45618 of 2023

Arising Out of PS. Case No.-746 Year-2022 Thana- FATUA District- Patna

SONU KUMAR Son of Late Munarik Rai Resident of village - Gadhochak,
P.s. - Nadi, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mrs. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 26.05.2023 in connection with Fatuha P.S. Case No. 746 of 2022, F.I.R. dated 12.10.2022 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of total 262.89 liters of foreign liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made near the railway track. He further



submits that the name of the petitioner has been transpired on the basis of disclosure made by co-accused namely, Vishal Kumar and petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that similarly, situated co-accused namely, Vishal Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 03.04.2023 passed in Cr. Misc. No.1470 of 2023. The petitioner is in custody since 26.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of disclosure made by co-accused namely, Vishal Kumar, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City, Patna in connection with Fatuha P.S. Case No. 746 of 2022, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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