

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57819 of 2023

Arising Out of PS. Case No.-769 Year-2021 Thana- SONEPUR District- Saran

Sona Rai @ Sona Ray Son of Rajeshwar Ray Resident of Village - Sabalpur,
Hasti Tola, P.S. - Sonapur, District - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioner and

learned counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Sonapur P.S. Case No. 769 of 2021, registered on 24.12.2021 for the offences under Sections 30(a), 41(i) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received information about petitioner and other co-accused persons storing country made illicit liquor and concealing it under the sand at certain identified place. A raid was conducted and two persons fled away from the spot. Police recovered 35 litres of country made liquor from the spot. Petitioner is said to be one of the absconded person.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The recovery has been shown from a public place having no concern with the petitioner. The name of the petitioner surfaced in this case on the basis of secret information and he has been implicated in this case merely on suspicion. Nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner is the sole earning member of his family and he is accused in one more case of similar nature. Learned counsel further submits that three co-accused persons have been granted anticipatory bail by a Co-ordinate Bench vide order dated 23.08.2022 passed in Cr. Misc. No. 37236 of 2022.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication and grant of anticipatory bail to co-accused persons, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court,



Saran at Chapra/concerned court in connection with Sonapur
P.S. Case No. 769 of 2021, subject to the condition as laid down
under Section 438(2) of the Code of Criminal Procedure and
other following conditions :

- (i) One of the bailors will be a close relative
of the petitioner.
- (ii) The petitioner will remain present on
each and every date fixed by the court below,
if so required by the learned trial court.

(Arun Kumar Jha, J)

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