

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57756 of 2022**

Arising Out of PS. Case No.-289 Year-2018 Thana- WAJIRGANJ District- Gaya

Sonu @ Sanu Kumar @ Sonu Yadav @ Chhotu Son of Ashok Yadav Resident
of Village- Yamunapur, P.S.- Wazirgunj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) (d) of the Bihar
Prohibition and Excise Act 2016(2018).

Recovery is of 130 litres of country made liquor.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the recovery has been made from house of
the co-accused person, namely, Karu Chaudhary and not from
petitioner's possession. He further submits that the name of the
petitioner has been transpired on the basis of the disclosure
made by the co-accused persons, namely, Kamlesh Kumar and
Munna Yadav who have granted bail by this Hon'ble Court vide



order dated 05.01.2018 passed in Cr. Misc. No. 64912 of 2018. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor. He further submits that the petitioner is in custody since 13.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused persons, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Wazirganj P.S. Case No. 289 of 2018, with 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 witness, 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 antecedents, 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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