

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62938 of 2023

Arising Out of PS. Case No.-502 Year-2023 Thana- WAJIRGANJ District- Gaya

SONUSAO @ SONU KUMAR Son of Rajo Saw Resident of Village-Kenar
Dih, P.S.-Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Wazirganj P.S. Case No. 502 of 2023 registered for the offences
punishable under Sections 30(a)/45 of the Bihar Prohibition and
Excise Amendment Act, 2018.

3. As per prosecution case, 36 litre foreign liquor
was recovered from the back seat of the tempo in question and
petitioner was apprehended on the spot. It is disclosed by the
petitioner that he was going to deliver the alleged liquor near
Wazirganj more.

4. Learned counsel for the petitioner submits that
petitioner is not the owner of the said vehicle in question. He is
merely a driver and he has to follow the instruction of his owner



to earn the livelihood. Petitioner has no knowledge regarding the alleged liquor that has been kept in the said vehicle in question and he has nothing to do with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 11.08.2023 and bears no criminal antecedent. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has not committed any offence as alleged against him in F.I.R.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 of Exclusive Special Excise Court NO. 1, Gaya in connection with Wazirganj P.S. Case No. 502 of 2023, 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) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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