

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69097 of 2023

Arising Out of PS. Case No.-192 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

Munib Sonkar @ Muniv Ram S/O Late Lalan Sonkar Mohalla Rameshwar
Ganj Chalniya Ps Sasaram Nagar, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-10-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Sasaram (M) P.S. Case No. 192 of 2018 for the offence punishable under Sections 30(a), 34, 38 of the Bihar Prohibition and Excise Act lodged on 29.1.2018 by the informant, Rishikesh Singh.

3. As per the prosecution story, the police during search patrolling, intercepted an auto and recovered 800 pouches of country made liquor. The driver, Sonu Kumar was arrested, disclosed that it has been loaded from the place of Rajan Choudhary, Rakesh Kumar and Mangru Chaudhary which was to be delivered at a place of Bablu Khatik. Further, the owner of the tempo has named this petitioner. Accordingly, the FIR.



4. It is the case of the petitioner that he was not part of the tempo from which the recovery has allegedly been made. Earlier, he was owner of the tempo but subsequently, in 2017 itself he sold it to one Jitendra Kumar and the documents showing the said sell, has been annexed as Annexure-2 which dates back 23rd August, 2017.

5. Learned APP opposes the prayer.

6. Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent, there is sale document to show that the vehicle was transferred to one Jitendra Kumar and has remained in custody since 11.8.2023 (para-10 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2 cum Additional District & Sessions Judge, Rohtas at Sasaram or any other transferee court, in connection with Sasaram (M) P.S. Case No. 192 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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