

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66979 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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SONU KUMAR, Son of Late Sharwan Gami, Resident of village - Bakarganj,
P.S.- Laheriya Sarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Excise P.S.
Case No. 265 of 2022 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is alleged recovery of 125.28 litres illicit liquor
from the pickup van. The petitioner is stated to be the driver.

Learned counsel for the petitioner submits that having no
antecedents, the petitioner is in custody since 13.10.2022.
Investigation is complete and implication is supported by seizure
memo, which is not in compliance with Section 100 Cr.P.C..
Recovery is denied and disputed altogether. Petitioner is driver of the
vehicle and his services were requisitioned for driving the vehicle to
a particular destination. He was oblivious of the liquor being



transported in the vehicle. He has become victim of the circumstance.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, clean antecedent, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 learned Additional Sessions Judge IVth-cum-Exclusive Special Judge, Excise Court-II, Gopalganj, in connection with Excise P. S. Case No. 265 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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