

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71155 of 2023

Arising Out of PS. Case No.-31 Year-2021 Thana- MADANPUR District- Aurangabad

Sonu Kumar Singh @ Sonu Singh Son Of Pravesh Singh @ Ram Pravesh
Singh R/O Village - Dadelchak, P.S.- Madanpur, District- Aurangabad
(BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Learned counsel for the petitioner seeks
permission to make necessary correction in paragraph nos. 1 and
3 of the petition.

03. Permission is accorded.

04. Learned counsel for the petitioner is permitted to
do so in course of the day.

05. In the present case, the petitioner seeks bail in
connection with Madanpur P.S. Case No. 31 of 2021 registered
on 02.02.2021 for the alleged offences under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

06. As per prosecution case, on the basis of secret



information, a truck was intercepted and five persons escaped from that truck. On search of the truck 5180 liters of spirit was recovered. The petitioner is said to be one of the escaped persons.

07. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner is neither the owner nor the driver of the seized truck and he has no concern with the alleged seizure of spirit. Co-accused, namely, Prakash Kumar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 22.04.2022 passed in Criminal Misc. No. 19079 of 2022 and other co-accused persons, namely, Sushil Kumar, Sanjeet Kumar and Upendra Singh have been granted regular bail by another Co-ordinate Bench vide order dated 25.03.2022 passed in Criminal Misc. No. 50466 of 2021, order dated 08.04.2022 passed in Criminal Misc. No. 50983 of 2021 and order dated 28.04.2022 passed in Criminal Misc. No. 54550 of 2021, respectively. The petitioner is in custody since 04.09.2022 and charge-sheet has been submitted. The petitioner is having criminal antecedent of three



cases in which two cases are of similar nature.

08. Learned APP for the State opposes the prayer for bail.

09. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the grant of anticipatory bail as well as regular bail to the other co-accused persons and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Aurangabad in connection with Mandanpur P.S. Case No.31 of 2021 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the 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.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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