

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71615 of 2023**

Arising Out of PS. Case No.-710 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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SONU KUMAR SINGH son of Pravesh Singh @ Ram Pravesh Singh
Village- Dadelchak Purnadih Ps- Madanpur Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aman Vishal
For the Opposite Party/s : Mr.Shailendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 05-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Aurangabad Town P.S. Case No. 710 of 2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. As per prosecution case, 16.200 litre illicit liquor
was recovered from the motorcycle in question. Apprehended
co-accused Pintu Kumar disclosed the name of the present
petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is neither driver nor owner of the said motorcycle in
question. He has no concern with the alleged liquor. No



incriminating article has been recovered from the conscious possession of the petitioner. Except disclosure of the co-accused Pintu Kumar, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Learned counsel submits through supplementary affidavit that petitioner is in custody since 04.09.2023. He bears criminal antecedent of three cases. Learned counsel 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 committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. Seizure list has not been made as per law.

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, 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 Special Judge, Excise, First, Aurangabad (Bihar) in connection with Aurangabad Town P.S. Case No. 710 of 2022,



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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