

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71191 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- CHANDAN District- Banka

Sonu Kumar, S/O Sikandar Singh @ Sikandir Singh, Village- Nipaniya, Ps.
Fulwariya, Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, 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.

2. In the present case, the petitioner seeks bail in connection with Chandan P.S. Case No. 114 of 2023 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, during night patrolling, a Scorpio vehicle was intercepted and its driver and another person sitting in the vehicle were apprehended after chase. Petitioner is one of the apprehended persons. On search of the vehicle, recovery of 234 litres of India made foreign liquor was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner is the driver of the seized vehicle but he was having no knowledge about the liquor kept in the vehicle. He was driving the vehicle as per instruction of his owner. Seizure list has not been prepared in accordance with law and there is no independent witness. Petitioner is a daily wager and sole bread earner of his family. The seized liquor does not belong to this petitioner. The petitioner is in custody since 16.08.2023. Petitioner is accused in one case but he is on bail in that case.

5. Learned APP opposes the prayer for bail submitting that petitioner was apprehended while driving the vehicle which was carrying illicit liquor.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is said to be the driver of the vehicle and also considering the period of custody of the petitioner, 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 Additional District and Sessions Judge-II, Banka/concerned court in connection with Chandan P.S. Case No. 114 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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