

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74570 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

SONU KUMAR @ SONU SAHNI Son of Late Jageshwar Sahni @ Jagga
Sahni R/V- Shambhupatti, Ward no. 6, P.S- Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Samastipur (Maffasil) P.S. Case No. 42 of 2021, registered for the offence punishable under Section 30(a)/32(ii) of the Bihar Prohibition and Excise (Amendment) Act.

The allegation is regarding recovery of 91.890 liters of illicit liquor from a Maruti 800 car.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 29.9.2022. The



learned counsel for the petitioner has further submitted that though the petitioner is an accused in three other cases, but he is on bail in all the said three cases. The learned counsel for the petitioner has further submitted that the petitioner was not arrested from the spot, however, subsequently, one of the arrested co-accused person, namely, Girdhari Kumar, had disclosed about the complicity of the petitioner in the alleged occurrence and that is why, the petitioner has been falsely made an accused in the present case, nonetheless, the fact is that neither the petitioner has been arrested from the spot nor he is the owner of the car in question.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested



from the spot nor any illicit liquor has been recovered from his conscious possession, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 42 of 2021.

(Mohit Kumar Shah, J)

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