

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7331 of 2024

Arising Out of PS. Case No.-914 Year-2023 Thana- DIGHA District- Patna

Sonu Kumar S/O Late Triloki Mahto @ Late Triloki Mehta Resident Of
Village- Ramji Chak, Digha, Bataganj, Rajkiya Madhya Vidhalay School,
Gali Road, Ps- Digha, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

- 3 05-03-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.
2. The petitioner seeks bail in connection with Special
Case No. 1785 of 2023 (Excise) arising out of Digha P.S. Case
No. 914 of 2023 instituted for the offences punishable under
Sections 30(a), 32(2), 32(3), 36, 41(1) and 41(2) of the Bihar
Prohibition and Excise Act.
3. The prosecution case, in short, is that total 5076
litres of illicit foreign liquor was recovered from the pickup
vehicles parked in the godown.
4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the FIR. The name of the petitioner



has transpired during investigation on the basis of C.D.R. report. No incriminating article has been recovered from the conscious possession of the petitioner. The recovery has been made from the pickup vehicles parked in a godown and this petitioner has no any concern with the said pickup vehicles. Petitioner is not the owner of the said godown where the alleged recovery has been made. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 11.12.2023 and has two criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case No. 1785 of 2023 (Excise) arising out of Digha P.S. Case No. 914 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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