

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34741 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- NIRMALI District- Supaul

Sonu Kumar @ Sonu Kumar Mandal Son of Late Gopal Mandal R/O Vill.-
Nirmalli ward no. 11, P.S.- Nirmalli, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Arun Kumar Jha, learned counsel
appearing on behalf of the petitioner and Mr. Narendra Kumar
Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Nirmalli P.S. Case No. 279 of 2023, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. The police on a secret information that the petitioner is
indulged in selling illicit liquor, conducted raid. Noticing the
police party, one person who was carrying a plastic bag
succeeded in fleeing away. On search 8.1 litres Nepali Shri
Mamaji liquor was recovered.

4. Learned Advocate for the petitioner contended that the
name of the petitioner has been implicated in this case only on



account of his past two criminal antecedents as has been disclosed in Para No. 3 of the bail petition. The materials on record clearly suggest that the alleged recovery has been made from a public road which is easily accessible for all. Save and accept the suspicion there is no other material suggesting the complicity of the petitioner in the crime. Nothing incriminating has been recovered from the whereabouts of the petitioner. Be that as it may, the petitioner undertakes that he will fully cooperate in the investigation of the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner is facing prosecution in two identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that barring suspicion there is no other material suggesting the complicity of the petitioner in the crime, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned In-Charge Special Judge (Excise) Court No. 2, Supaul in connection with Nirmalli P.S. Case No.



279 of 2023 subject to the conditions laid down in Section
438(2) Cr.P.C.

(Harish Kumar, J)

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