

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53475 of 2024

Arising Out of PS. Case No.-122 Year-2023 Thana- SIMRI District- Buxar

Sonalal Ram @ Sonelal Ram S/o Sukul Ram R/o vill - Badaka Nuaon, P.s. -
Buxar (Muffasil), Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Simri (Hata O.P.) P.S. Case No. 122/2023 lodged on 19.04.2023
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution case, F.I.R. has been lodged
against three named accused persons excluding the petitioner
with allegation that there is recovery of 172.08 litre of liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the petitioner is not named in the F.I.R. and his
name has been figured in this case only due to the reason that
the recovery of 172.08 litre of wine has been recovered from the



Scorpio Vehicle whose owner is the petitioner himself. Counsel for the petitioner has taken the defence that he has already sold the vehicle to *Kabadiwala* in the year 2021 namely Narayan Upadhyay. Counsel submits that the petitioner after selling his vehicle was totally unaware of the fact that for what purpose his vehicle was being used. Counsel further submits that the criminal antecedent of the petitioner is clean and the petitioner is in custody since 15.06.2024.

5. Learned APP for the State opposes the prayer for bail.

6. Upon perusal of the documents which is annexed as Annexure P/2 and P/3, no reliance could be made that the vehicle was sold to any person in the year 2021 and the document of sale was prepared in the year 2023. In the deed, neither mentioning of no objection certificate from the transport department is there nor any sell letter or no objection certificate has been produced in this Court. Therefore, on these two documents on which petitioner has relied is not satisfactory at all.

7. Considering the fact that the antecedent of the petitioner is clean, let the petitioner above named by granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty



thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 2, Buxar in connection with Simri (Hata O.P.) P.S. Case No. 122/2023 subject to the condition laid down under Section 437(3)

(Dr. Anshuman, J)

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