

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56387 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- Geedha District- Bhojpur

Sonu Kumar Son Of Late Suresh Rai Resident of Village - Chakiya (Balwant Tola), P.S.- Doriganj, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner seeks grant of regular bail, who is in custody in connection with Gidha P.S. Case No.50 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2018.

3. In course of patrolling, the police intercepted the petitioner who was riding on a scooty. On search, total 125 liters Mahua wine has been recovered.

4. Learned Advocate for the petitioner contended that in fact in course of vehicle checking the petitioner was intercepted by the police, however, on account of altercation with the police personnels and the petitioner, his name has been implicated in this case showing the recovery of a huge quantity



of Mahua wine. It is next contended that the petitioner is the bona fide owner of the scooty; and he has no concern with the Mahua wine. Moreover, the alleged recovery has been made from a public road and there is no independent witness to the search and seizure and as such in defiance of the provisions of Section 100 of the Code of Criminal Procedure. The petitioner bears fair antecedent and now he has been incarcerated since 16.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation of the crime is complete coupled with the fair antecedent, let the petitioner, named above, be released 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 Exclusive Special Judge, II, Bhojpur, Ara in connection with Gidha P.S. Case No.50 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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