

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59147 of 2024

Arising Out of PS. Case No.-984 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Sonu Shani @ Rakesh Kumar @ Sonu Sahni Son Of Late Badri Sahani R/V-
Vilalge- Amar Singh Asthan Shekhpur Dhab, P.S.- Ahiyapur, Distt.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Soni Kumari, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Excise P.S. Case No. 984 of 2024 dated 25.05.2024,
instituted for the offence punishable under Section 30(a) and
32(c) of the Excise Act.

3. Allegation is recovery of 102 litres of illicit liquor
and 20 litres of fermented liquor from the bank of Gandak river.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered
from the conscious possession of the petitioner or from the
house of the petitioner. The said recovery was made from an



open place which is accessible to all. Petitioner has no concern with the alleged recovery. Lastly, it has been submitted that he has one criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Excise P.S. Case No. 984 of 2024, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court II, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his



wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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