

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58655 of 2024

Arising Out of PS. Case No.-563 Year-2024 Thana- AGAMKUAN District- Patna

Sonu Kumar Son of Santosh Poddar R/O Vill.-Ramprasad Chawk, Bagdulhan,
P.S.-Nagar Hajipur, Dist.-Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Agamkuan P.S. Case No. 563 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 09.07.2024 by the informant, Roushan Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, the place under Agamkuan police station was raided and altogether 1,000 liter of sprit kept in 5 plastic drum of 200 liter each were recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that he is working in a private company, admittedly, the recovery is from a godown, he has no concerned with it, is in custody since 10.07.2024 (para 4 of the petitioner) and has no criminal



antecedent.

5. Learned APP opposes the prayer for bail submitting that the sprit is being used for spurious liquor which is hazardous to the society and the petitioner having been implicated, does not deserve bail.

6. Though allegation is there against the petitioner, the same is grave inasmuch as, regularly the newspaper reports are there, showing that the people consuming sprit either are losing life and/or their sight, in this particular case, the recovery is not from his conscious possession, is in custody since 10.07.2024 and has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Agamkuan P.S. Case No. 563 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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