

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70327 of 2024

Arising Out of PS. Case No.-498 Year-2024 Thana- Excise P.S. District- Nawada

Sonu Kumar Son of Sudhir Kumar @ Sudhir Kumar Sharma Resident of
Village- Raili, P.S.- NTPC, Barh, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed as also in paragraph-13 of the petition, during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Excise P.S. Case No. 498/2024 registered for the offences punishable under Sections 30(a) & 47 of the Bihar Prohibition and Excise Act, 2016.

4. As per prosecution case, there is alleged recovery of 312 liters Can Beer from Tata Pick-up vehicle in question. The petitioner is said to have apprehended on the spot and one mobile phone also recovered from his possession.



5. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 17.07.2024 and bears no criminal antecedent. He further submits that the petitioner is neither owner nor driver of the said vehicle in question and he was merely a passenger and waiting for vehicle at the place of occurrence and the police apprehended the petitioner without any basis and falsely implicated him in the present case. The petitioner has not concerned with the seized liquor and the said seized mobile belongs to the him. He further submits that the seizure list has not been prepared as per the law. In the light of the aforesaid submission, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 the learned Exclusive Special Excise Court-2, Nawada in connection with Excise P.S. Case No. 498/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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