

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77562 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- NADI P.S. District- Patna

Sonu Kumar S/O Awadhesh Rai @ Awadhesh Ray R/O Vill - Mohanpur, P.S.
- Raghapur, Distt.- 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. Kumar Ranjit Ranjan, APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nadi P.S. Case No. 261 of 2023 registered for the offences
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, informant along with his
team, recovered 90 litres of country made Mahua Wine from the
motorcycle in question and also from one sack of jute lying
under a tree, behind the Vishnu Temple at the bank of Ganga at
Village Sabalpur. It is alleged that the name of the petitioner and
other has been surfaced upon secret information and they
succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged in the F.I.R.. The petitioner is not the owner of the said vehicle in question and he has no concern with the alleged recovery. The place of recovery is open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Learned counsel further submits that petitioner has already been granted anticipatory bail by this Court vide Cr. Misc. No. 70277 of 2023 in which six weeks time was granted to the petitioner for furnishing bail bond but during that period petitioner was apprehended in another case Nadi P.S. Case No. 7268 of 2023 and the said time was lapsed so the petitioner has filed regular bail. The petitioner is in custody since 03.09.2024 and bears criminal antecedent of three cases and in which he is on bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excisse, Patna City in connection with Nadi P.S. Case
No. 261 of 2023 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 days 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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