

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75070 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- BAISI District- Purnia

Sonu Kumar @ Sonu Kumar Singh, Son of Sri Bamdev Kumar Chauhan @
Bamdev Chauhan @ Bamdev Singh, village- Gunwanti, Ward no. 09, P.S.-
Baunsi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2024 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Baisi P.S. Case No.34 of 2022, registered for
the offences punishable under Sections 279, 337, 338, 353, 323,
427, 272, 273/34 of the Indian Penal Code and Sections 30(a),
41 and 47 of the Bihar Prohibition & Excise Act, 2016.

3. Based upon the written report, the prosecution
alleges that on a tip off trafficking of illicit wine, the police
intercepted a Sumo Grand vehicle loaded with liquor. However,
noticing the police party, the driver of the vehicle tried to flee
away and in this process collided with Government vehicle,
causing damage to the Government vehicle and injury to a



female constable. On search, total 243 litres of Indian made foreign liquor was recovered from the said vehicle. The apprehended person disclosed that the consigner of the liquor is said to be one Aslam and consignee is said to be the petitioner.

4. Learned Advocate for the petitioner referring to the F.I.R. contended that the petitioner was neither apprehended nor he has any concern with the recovered illicit liquor or vehicle, in question. However, only on the disclosure made by the apprehended person, his name has been implicated in this case. Save and except the confessional statement of the apprehended person, there is no material suggesting the complicity of the petitioner in the crime. Moreover, the petitioner has been incarcerated since 31.08.2024 and the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears four criminal antecedents of identical nature. Thus his complicity, in such kind of crime, cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the prosecution case is based upon the disclosure of the



apprehended person, moreover the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Purnea in connection with Baisi P.S. Case No.34 of 2022, 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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