

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79847 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- NADI P.S. District- Patna

Sonu Kumar S/o- Awadhesh Rai, Resident of Vill- Mohanpur, P.S.-Raghopur,
District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jay Ram Prasad, Advocate

For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-11-2024 Heard Mr. Jay Ram Prasad, the learned counsel for
the petitioner and Mr. Sanjay Kumar Tiwary, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
23.09.2024, in connection with Nadi P.S. Case No. 268 of 2023,
FIR dated 13.08.2023, registered for the offence punishable
under Section 30(a) of Bihar Prohibition and Excise Act.

3. Earlier the petitioner has been granted anticipatory
bail vide order dated 01.11.2023 passed in Cr. Misc. No. 70573
of 2023, however, the bail bond of the petitioner was not
accepted by the learned trial Court. Thereafter, the petitioner has
been remanded in the present case from Nadi P.S. Case No. 244
of 2024.

4. Recovery is of 60 litres of country made liquor.

5. Learned counsel for the petitioner submits that



from perusal of the FIR, it appears that altogether 60 litres of country made liquor has been recovered from two plastic bags and name of the petitioner transpired on the basis of confidential information and except the confidential information, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence and the petitioner is in custody since 23.09.2024.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three criminal cases other than the present of similar nature, but he fairly admits that petitioner is on bail in all the pending matters.

7. Considering the aforesaid facts and circumstances and mainly the fact that name of the petitioner transpired on the basis of confidential information and except the confidential information, no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City, in connection with **Nadi P.S. Case No. 268 of 2023**, subject 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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