

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84070 of 2024

Arising Out of PS. Case No.-242 Year-2024 Thana- AMBA District- Aurangabad

Sonu Kumar S/o Narayan Paswan R/O Village- Kasauti, P.S-Amba, District-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuvan Narayan, Adv.
		Mr. Mukul Kumari, Adv.
For the Opposite Party/s	:	Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-12-2024 Heard Mr. Tribhuvan Narayan, learned counsel for
the petitioner and Mrs. Sucheta Yadav, learned APP.

2. The petitioner is in judicial custody in connection with G.R. No. 572/2024 arising out of Amba P.S. Case No. 242 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 17.10.2024 by the informant, Amit Kumar.

3. As per the prosecution story, the police during patrolling and upon secret information intercepted an auto-rickshaw and there is recovery/seizure of 175.5 litres of foreign liquor. This led to the FIR/arrest.

4. It is the case of the petitioner that he is not the owner of the vehicle who has also been made accused, a driver, little realizing that some passengers had left the material which



led to his implication. He has no criminal antecedent, has remained in custody since 18.10.2024 (para-4 of the petition).

5. Learned APP opposes the prayer submitting that when the auto-rickshaw was intercepted the recovery/seizure has been made.

6. Considering the submissions put forward by the parties as also the fact that the petitioner does not own the vehicle, has remained in custody since 18.10.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise-1, Aurangabad in connection with aforesaid P.S. Case subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his 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 month for next six months 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)

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