

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3235 of 2024

Arising Out of PS. Case No.-152 Year-2022 Thana- BHAGWANGANJ District- Patna

Sonu Kumar @ Fitar Son of Mithalesh Yadav Resident of Village - Pansari,
P.S. - Bhagwanganj, District – Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bhagwanganj P.S. Case No. 152/2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, Patna.

3. As per prosecution case, there was alleged
recovery of 100 liters country made *Mahua* liquor from the bank
of the Punpun river. It is alleged that the petitioner and others
were manufacturing the illicit liquor and during raid by the
police, they fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not apprehended on the spot and nothing



has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 06.11.2023 and bears criminal antecedent of two cases. He further submits that the petitioner was not in any way connected with the alleged occurrence and merely on suspicion he has falsely been roped in the present case. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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 Special Judge, Excise Court No.02, Patna in connection with Bhagwanganj P.S. Case No. 152/2022, 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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