

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4755 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- CHAKAI District- Jamui

Sonu Kumar Son of Sri Pawan Thakur R/O Village- Nagabad, P.S.- Dumri,
Dist.- Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.

For the Opposite Party/s : Mr.Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Chakai
P.S. Case No. 342 of 2023 instituted for the offences under
Sections 272, 273, 420 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
884.400 liters of illicit Foreign Liquor from the alleged vehicle
of the petitioner bearing Regd. No. JH10BV-0931.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He has further submitted that the alleged vehicle was carrying



wine of Jharkhand State Beverage Corporation Ltd., Jharkhand and the petitioner was carrying the same with valid documents. He further points out that the Chakai Police in illegal manner apprehended the petitioner with vehicle on the border of Jharkhand-Bihar and dragged the petitioner in this case. He further states that virtually the petitioner was arrested from Sukhal-Joriya More which is situated at Bihar-Jharkhand State Border under the Jharkhand but, the police has wrongly alleged that the vehicle was seized in Bihar area. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 20.10.2023. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that huge quantity of illegal foreign liquor has been recovered from the alleged vehicle which was being driven by the petitioner and, thus, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chakai P.S. Case No. 342 of 2023.

(Rudra Prakash Mishra, J)

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