

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2846 of 2025

Arising Out of PS. Case No.-388 Year-2020 Thana- LALGANJ District- Vaishali

Sonu kumar S/O Lalu Ray @ Ram Kumar Ray R/O village - Tajpur, P.S -
Lalganj , District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Lalganj P.S. Case No. 388 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. The allegation against the petitioner is of manufacturing illicit wine along with other co-accused persons. The police conducted raid in the hut of co-accused Chunnu Kumar and recovered 19.75 liters of Indian Made Foreign Liquor, however, the accused persons, on noticing the police party, succeeded to flee away.

4. Learned counsel for the petitioner contended that from the FIR, it would be evident that the entire recovery has



been made from the hut of co-accused Chunnu Kumar and save and except the allegation that on noticing the police party, the petitioner succeeded in fleeing away, there is no material; moreover, the identification of the petitioner in the night by the raiding party does not inspire any confidence. It is further contended that since the petitioner was not conversant with the fact that his name has been implicated in the present case and, as such, delay has been occurred in approaching this Court. However, the petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner bears one criminal antecedent, apart from the fact that he was evading from the law for the last four years.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the hut of co-accused Chunnu Kumar, save and except identification of the petitioner by the raiding party, there is no material; apart from the fact that nothing has been recovered from the conscious or constructive possession of the petitioner and, as such, the bar provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is



not attracted, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 388 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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