

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23017 of 2025

Arising Out of PS. Case No.-186 Year-2025 Thana- SONEPUR District- Saran

Sonu Kumar S/O Upendra Ray R/O Village- Sabalpur Pachhiyari Tola, P.S-
Sonpur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-04-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Sonpur P.S. Case No. 186 of 2025 lodged on 04.03.2025, for the offence punishable under Sections 317(5), 111 & 61(2) of the Bharatiya Nyaya Sanhita, 2023 read with section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against 13 named accused persons (excluding petitioner) and owner and driver of different vehicles. Total recovery of 6912 litres of illicit liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



submits that petitioner is not named in the FIR and police has inserted his name under wrong impression as in the FIR, one Sonu Kumar S/o not known, District-Patna has been made accused, whereas, the present petitioner is Sonu Kumar, S/o Upendra Ray, resident of village-Sabalpur Pachhiyari Tola, P.S.-Sonpur, District-Saran. Counsel submits that police has made accused to this petitioner under wrong impression and save and except, there is nothing against the present petitioner. Counsel further submits that nothing has been recovered from the petitioner's possession. Counsel submits that the criminal antecedent of the petitioner is not clean as there are four cases pending against him and in all the cases, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the present matter is relating to huge recovery of illicit liquor and petitioner's criminal antecedent is also not clean as there are four cases pending against him out of which, two cases are relating to Excise Act.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner due to the reason that petitioner's criminal antecedent is not clean as there are four cases pending against him out of which, two cases are relating



to Excise Act. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is hereby directed to the petitioner to surrender before the Trial Court within a period of six weeks from today. In case, the petitioner surrenders within six weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering the fact that the accused person Sonu Kumar of District Patna and the present petitioner i.e. Sonu Kumar of District Saran are two different persons, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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