

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59133 of 2024

Arising Out of PS. Case No.-709 Year-2024 Thana- Excise P.S. District- Aurangabad

Sonu Kumar son of Vijendra Prasad @ Vijendra chandravanshi Village-
Ghatrain Badaka bigha, Ps- Madanpur, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-01-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Aurangabad Excise Thana P.S. Case No. 709 of 2024 for the offence punishable under sections 30(a), 32(3), 41(1), 41(2) of Bihar Prohibition and Excise Act lodged on 23.07.2024 by the informant, Chandan Kumar.

3. As per the prosecution story, the informant alleged that he received information that the accused Sonu Kumar (the petitioner herein) and Surendra Chauhan are keeping liquor for delivery in the house of one Vikash Kumar, reached the spot and apprehended him and 810 liters of spirit recovered/seized. Vikash Kumar gave the name of this petitioner to be the owner of the said spirit. Accordingly, the FIR.



4. Learned Counsel for the petitioner submits that the recovery is from Vikash Kumar not from him, in fact, nothing has been recovered from his conscious possession, he has been implicated by the police forcing Vikash Kumar to confess against him only because he has criminal antecedent.

5. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 40,000/- to the District Legal Services Authority, Aurangabad for the purchase of flower pots to be kept in the Civil Court Campus/all the floors of the new building through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that Vikash Kumar has named this petitioner.

7. Taking into account the aforesaid submissions as also the fact that nothing has been recovered from his conscious possession, the name cropped up on the basis of confession of Vikash Kumar, FIR is there, he will be facing the music, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs.40,000/- to the District Legal Services Authority, Aurangabad for the purchase



of flower pots to be kept in the Civil Court Campus/all the floors of the new building for the Civil Court Campus of Aurangabad Judgeship through Demand Draft issued by the local branch of the State Bank of India.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-02, Aurangabad (Bihar) in connection with Aurangabad Excise Thana P.S. Case No. 709 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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