

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81399 of 2024

Arising Out of PS. Case No.-305 Year-2024 Thana- MIRGANJ District- Gopalganj

Sonu Yadav Son of Balram Chaudhary Resident of Village - Harkhauli, P.S. -
Mirganj, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-01-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Mirganj P.S. Case No. 305 of 2024, lodged on 23.07.2024, under Section 317(5) of the BNS, 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution, F.I.R. has been lodged against two named accused persons including the present petitioner. Total recovery of 411 litres of illicit country made liquor 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 the criminal antecedent of the petitioner is clean and he is in custody since 17.09.2024. Counsel further submits that the petitioner has unnecessarily been made accused in the present case.

5. Learned Counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Additional District and Sessions Judge-IV-cum-Exclusive Special Judge, Excise Court-II, Gopalganj in connection with Mirganj P.S. Case No. 305 of 2024, subject to the following conditions as laid down under Section 480(3) of the BNSS with other following conditions:-

(i) one of the bailor should be the family member 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



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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.

(Dr. Anshuman, J.)

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