

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76218 of 2025

Arising Out of PS. Case No.-181 Year-2025 Thana- BRAHMPUR District- Buxar

Sonu Mallah S/o- Ishwar Dayal Mallah @ Karun Mallah Resident of village-
Balua, Ps- Brahmpur Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 08-01-2026 Heard the learned counsel for the petitioner and

learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Brahmpur P.S. Case No. 181 of 2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act and under Sections 191(2), 191(3), 109, 132, 324(4) of the B.N.S. and under Sections 27, 26 and 35 of the Arms Act.

3. As per the prosecution case, on the basis of secret information, the police intercepted four vehicles and during the search, around 35 persons allegedly attempted to assist the occupants of a Bolero car. It is further alleged that during the search of a Swift Dzire car, 147.780 litres of



liquor was recovered and that the local villagers and the *chowkidar* disclosed the names of the accused persons.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that no incriminating article has been recovered from his conscious possession. It has further been submitted that the petitioner is not the owner of the seized vehicle and that till date no T.I.P. has been conducted. It is also submitted that the alleged recovery was not made from the conscious possession of the petitioner and merely on account of the fact that the petitioner carries two criminal antecedents of similar nature his name has been disclosed by the local *chowkidar*. The learned counsel lastly submits that the petitioner is in custody since 29.09.2025.

5. The petitioner is willing and undertakes to deposit a sum of Rs. 5,000.00 in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. The learned A.P.P. has vehemently opposed the prayer for bail.



7. Regard being had to the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Brahmpur P.S. Case No. 181 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be the local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. The bail bond of the petitioner shall be accepted by the learned Trial Court on showing receipt of deposit of aforesaid amount with the Lawyers' Association Welfare Benevolent Fund.

9. Accordingly, the prayer for bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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