

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.66516 of 2018**

Arising Out of PS. Case No.-37 Year-2017 Thana- PHULWARIA District- Begusarai

Sumit Kumar S/o Pradip Sah Resident of Lohia Nagar, Ward No. 28, Suhird  
Nagar, P.S. Nagar, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vinod Gautam, Advocate  
For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

3      20-12-2018                      Heard learned counsel for petitioner and learned  
counsel for the State.

Petitioner, who is in custody, seeks bail in  
connection with Fulwaria P.S. Case No. 37 of 2017 registered  
for the offences punishable under Sections 399, 402 of the  
Indian Penal Code, Section 25(1-b)a, 26/35 and Section 30(a) of  
the Bihar Prohibition and Excise Act, 2016.

As per F.I.R. allegation is of recovery of one  
loaded country made pistol, one live cartridge, mobile and cash  
from the possession of petitioner and foreign liquor and arms  
and ammunition, cash with ornaments from possession of other  
co-accused.

It has been submitted on behalf of the petitioner  
that he is innocent and has committed no offence. He has been



falsely implicated in this case. Petitioner has no criminal antecedent and is in custody since 01.04.2017.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Bihar Prohibition & Excise Act, Begusarai, in connection with Fulwaria P.S. Case No. 37 of 2017, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

**(S. Kumar, J)**

Rajiv/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

