

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15002 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- SINGHIYA District- Samastipur

SUMIT KUMAR SINGH, aged about 26 years, Male, Son of Ram Udgar Singh, Resident of Village- Shyampur Singhia, Ward No. 08, P.S.- Singhia, District- Samastipur ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Raja Ram Mishra, Adv.

For the Opposite Party : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 18.01.2019 in connection with Singhiya P.S. Case No. 5 of 2019 for the offences alleged under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that petitioner has stored huge quantity of illicit liquor, raid was conducted and 154.620 liters of Indian made foreign liquor was recovered from the house. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and nothing has been recovered from his conscious possession and he is languishing in judicial custody since nearly two months. He submits that the house was joint family house and recovery of illicit liquor can not be attributable to him. Petitioner



undertakes to cooperate in the investigation and not to tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Singhiya P.S. Case No. 5 of 2019 to the satisfaction of the learned Additional District Judge III-cum-Special Judge, Excise, Samastipur, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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