

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3510 of 2021**

Arising Out of PS. Case No.-63 Year-2020 Thana- BYPASS District- Patna

Sumit Kumar, Son of Sunil Yadav, Resident of Village- Shiv Mandir, Mansa
Ram Ka Akhara Loha Ka Pul, Police Station- Mehandiganj, District- Patna
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-04-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Special Case No. 4706/2020 arising out of
P.R. Bypass P.S. Case No. 63/2020 registered for the offences
punishable under Section 30(a), 32(1), 32(3)/41(1) and 41(2) of
Bihar Prohibition & Excise Amendment Act.

Learned counsel for the petitioner submits that as per
the prosecution story that on 11.08.2020, while the informant
got a secret information that one blue colour tempo loaded with
illegal wine crossing Toll Tax and going in the area of Patna, he



along with police personnel surrounded the place, after some time the said vehicle tried to cross the Toll Tax, the informant stopped the said vehicle and searched in which total 350 liters of country made wine were recovered and caught person disclosed his name as Sumit Kumar (petitioner).

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is the driver of the tempo in question and he was driving the vehicle only on the direction of tempo owner and he is in custody since 11.08.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is the driver of the tempo in question and he was driving the vehicle on the direction of tempo owner, in connection with the present case he is in custody since 11.08.2020 and prior to this he has no criminal antecedent, investigation against him is complete and there is no submission of the State that his release is likely to result in tampering with the evidence or interfering with the course of



trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No. 4706/2020 arising out of P.R. Bypass P.S. Case No. 63/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

