

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4035 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- BIBHUTIPUR District- Samastipur

SURESH SUMAN @ SAILESH KUMAR @ SAILESH KUMAR SAH, Son
of Kapildev Sah Resident of Village - Basotol, Ward No. 04, P.S. - Bibhutipur,
District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Bibhutipur P. S. Case No. 343 of 2021, registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

As per allegation, 114 litres of liquor has been

recovered from joint fodder house of the petitioner.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case. Nothing has been recovered from the

conscious possession of the petitioner. It has further been



submitted that the fodder house from where the alleged liquor has been recovered is a joint family property. It is also submitted that the police has not followed the procedure of seizure as prescribed in the Code of Criminal Procedure.

The petitioner is in custody since 29.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

In view of the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd cum Special Judge, Excise Act, Samastipur, in connection with Bibhutipur P. S. Case No. 343 of 2021 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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