

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26223 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- MADANPUR District- Aurangabad

Sumit Kumar Son Of Prem Kumar Sharma Resident Of Village- Kendua
Swang, New Mainas Gomiya, P.S- Gomiya, Dist- Bokaro (JHARKHAND)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramchandra Singh, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Madanpur P.S. Case No. 101/2022 under Section 30(a) of Bihar
Excise Prohibition Amendment Act, 2018.

The prosecution story, in brief, is that on
confidential information, the informant started search at Uchauhi
Durga Mandir where a pickup van and four wheeler was
standing. They saw a white colour pickup van coming towards
Shivganj but seeing the police they stopped the vehicle and tried
to escape but one of them was apprehended and he disclosed his
name as Sumit Kumar, the petitioner herein. The pickup van



was searched and altogether 1068 liters of beer were recovered/seized.

Learned counsel for the petitioner submits that the alleged recovery/seizure 1068 liters of beer cannot be attributed to the petitioner herein, he being the driver of the vehicle had absolutely no idea about the materials that was loaded on the vehicle and he only had to ensure that the same is safely delivered to the destination. It is further submitted that he is in custody since 09.03.2022, and being the only bread earner, has starved his family members.

Considering the aforesaid facts coupled as also facts that the charge-sheet stands submitted, he is in custody 09.03.2022 as also that he has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise 1st Aurangabad Bihar in connection with Madanpur P.S. Case No. 101/2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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