

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50055 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- MUSAHARI District- Muzaffarpur

Sumesh Kumar @ Sumesh Sahni, S/o Atwari Shahni, Resident of Village-
Phular, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Mushahari P.S. Case No. 70 of 2021 registered
for the alleged offences under Sections 272, 273 and 34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, recovery of 51.840 litres of
Indian made foreign liquor was made from a car parked in the
house of co-accused Navin Kumar. The co-accused disclosed
the name of the petitioner who supplied him the illicit liquor.

The learned counsel for the petitioner submits that the



petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been added as an accused in this case on the basis of confessional statement of co-accused. The petitioner has got no concern either with the illicit liquor or with the co-accused and he did not supply the liquor to him. The petitioner is in custody since 24.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with the submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur in connection with Mushahari P.S. Case No. 70 of 2021, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

- (i) The bail bond of the petitioner will be accepted



only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

himanshu/-

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

