

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49727 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SUMIT KUMAR Son of Dilip Tanti Resident of Mohalla - Bhikanpur Gumti
No. 1, Police Station - Ishakchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda
For the Opposite Party/s : Mr. Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner rather 40.14
liters of foreign liquor is said to have been recovered from the



water tank of co-accused Vishal Kumar. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case on the confessional statement of co-accused Anand Kumar Verma. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of co-accused which has no evidentiary value in the eye of law. Petitioner has three criminal antecedents of similar nature of the offence as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.25,000.00 (Rupees Twenty Five Thousand) in the account of Member Secretary, Bihar State Legal Services Authority, bearing Account No.0380000100252472, IFS Code: PUNB0038000, Punjab National Bank.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending/successor Court in connection with Kotwali (Jogsar) P.S. Case No. 222 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Member Secretary, Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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