

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18961 of 2023**

Arising Out of PS. Case No.-557 Year-2020 Thana- ARARIA District- Araria

Sumit Kumar @ Kasindra Yadav S/O Tej Narayan Yadav R/O Village-
Mansapur, P.S- Laukhi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
Mrs. Archana Jha, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-03-2023 Heard Mrs. Archana Jha, learned counsel for the
petitioner and the State.

This application has been filed for grant of bail in connection with Excise Special Case No. 567 of 2020 arising out of Araria P.S. Case No. 557 of 2020 for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

In this case, there is recovery of 5778 liters of foreign liquor and the matter being of 2020 and the petitioner evaded arrest for two long years. In between, the Trial Court went ahead with the other cases while the case of the petitioner is lingering.

Earlier the matter was taken up on 05.09.2022 and the same was rejected vide Cr. Misc. No. 28036 of 2022.



Taking into account the period of custody i.e. 18.02.2022 (as stated in para 13 of the bail application) as also the fact that the original accuseds were nabbed by the police and on whose confession, the further arrest of Sunil Kumar Yadav and Ram Prakash Yadav were made and they gave the name amongst other the present petitioner and accordingly, his name came up, 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 Ist, Araria in connection with Excise Special Case No. 567 of 2020 arising out of Araria P.S. Case No. 557 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member 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 reason will entail cancellation of his/her bail bond by the Trial Court itself;



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

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) 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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