

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28755 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

SUMIT KUMAR Son of Rameshwar Singh, Resident of village - Flat No.- 2,
2nt Floor R. D. White House Plot No.- 232, Bhathal, Sector- 26, Dwaraka,
P.S.- Barthal, Distt.- Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Kuchaikote P.S. Case No. 88 of 2023, dated 20.02.2023
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of
449.625 litres of *foreign liquor* and the same is stated to have
been recovered from a *Creta Car* and as per prosecution's
allegation, petitioner was found sitting in the said vehicle in the
capacity of its driver but in actual the petitioner is neither
owner nor driver of the alleged vehicle rather he was simply a
passerby at the time of recovery of the alleged wine and he has



been languishing in jail since 21.02.2023 and against him the investigation has been completed. Further submission is that against the petitioner, there is criminal antecedent of one case in which he is on bail.

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Kuchaikote P.S. Case No. 88 of 2023.

(Shailendra Singh, J.)

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