

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59135 of 2023

Arising Out of PS. Case No.-72 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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Sumit Kumar, S/O Yogendra Singh, R/O Village - Amni, Ward No. 4, P.S. -
Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Ramakant Akela, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Excise Case No. 72 C3 of 2019 instituted under Section 30
(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, total 5 litres of illicit
country made liquor was recovered from the motorcycle and the
apprehended co-accused has disclosed the name of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to three
criminal antecedents against him in which he is on bail. There is
no recovery made from physical or conscious possession of the



petitioner and the apprehended accused has disclosed the name of the petitioner due to ulterior motive. He has no concern with the seized liquor or vehicle.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Special Excise Judge-II, Khagaria in connection with Excise Case No. 72 C3 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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