

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58002 of 2023

Arising Out of PS. Case No.-982 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Sumit Kumar @ Pandey S/O Raj Kumar Yadav R/O Village- Lakhochak, Ps.
Kiul, Dist. Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Lakhisarai (Kabaiya) P.S. Case No. 982 of 2022 dated
07.12.2022 instituted for the offence punishable under Section
30(a) of Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is that he was
carrying 30 litres country made *mahua* liquor in sack. On
seeing the informant and his associates, the petitioner threw the
sack and managed to escape away. Thereafter, 30 litres country
made *mahua* liquor has been recovered from that sack.

4. Learned counsel for the petitioners submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted in paragraph 3 of the bail application that



petitioner has two criminal cases against him which are similar in nature to the present case.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances and materials available on record as well as the antecedents of the petitioner, I am not inclined to grant the bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

8. The petitioner is directed to surrender before the court below immediately. Upon surrender of the petitioner, he shall be released on bail by the court below itself after framing of charge on the sureties to be fixed by the court below itself subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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