

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81682 of 2023

Arising Out of PS. Case No.-40 Year-2016 Thana- KIUL RAIL P.S. District- Lakhisarai

MD. SAMIM SON OF MD. ZAINUL R/O VILLAGE- DAHMA, P.S.-
BIRAUL, DIST.- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with GRP Kiul P.S. Case No. 40 of 2016 instituted for the offence under Section 47(a) of the Bihar Prohibition and Excise Amendment Act.

3. It is a case of misuse of the privilege of bail by the petitioner. The present case was registered in year of 2016 thereafter, the petitioner was enlarged on bail but due to his non-appearance in trial, his bail bond was cancelled by concerned court on 20.8.2019.

4. Learned counsel for the petitioner submits that the petitioner was granted bail on merit by the learned court below but thereafter, the *pairvikar* went to Delhi to earn his livelihood



and due to non-parivi, the bail bond of the petitioner was cancelled. There is no willful intention of the petitioner for non-appearing in the trial. When he came to know about cancellation of his bail bond, he has suo-moto surrendered on 31.10.2023 and since then, he is languishing in judicial custody.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with GRP Kiul P.S. Case No. 40 of 2016 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V-Cum-Exclusive Special Judge-2, Excise Act, Lakhisarai.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

