

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4459 of 2024

Arising Out of PS. Case No.-226 Year-2023 Thana- LAKHISARAI District- Lakhisarai

SUMIT SINGH SON OF LATE RAVINDRA SINGH RESIDENT OF
VILLAGE - DARIYAPUR, P.S. - BARAHIYA, DISTRICT - LAKHISARAI
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Lakhisarai(Kabaiya) P.S. Case No. 226 of 2023 registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

As per prosecution case, 12.930 litre foreign liquor
from Hero Glamour motorcycle in question and petitioner along
with other was apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.
Petitioner is neither owner nor driver of the vehicle in question
and he has no knowledge about the illicit liquor kept in the said
motorcycle. Basically no incriminating article has been



recovered from conscious possession of the petitioner. Seizure list has not been made as per law. Petitioner has been apprehended on spot merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 23.03.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of two cases in which he is on bail.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Exclusive Special Court No. -1, Excise Act, Lakhisarai in connection with Lakhisarai(Kabaiya) P.S. Case No. 226 of 2023, subject to the following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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