

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31472 of 2024

Arising Out of PS. Case No.-111 Year-2023 Thana- PUSA District- Samastipur

Sudish Kumar S/o Ramnaresh Mahto R/o vill - Harpur, P.S. - Pusa, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Pusa P.S. Case No. 111 of 2023, dated 05.10.2023, registered for the offences punishable under Sections 30(a) Bihar Prohibition and Excise (Amendment) Act, 2018.

3.As per allegation 6 liter of liquor has been recovered.

4. Ld. Counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the case is based only on suspicion and the alleged confessional statement of the co-accused. Hence, there is no legal evidence against the Petitioner and no



prima facie case is made out under Excise Act.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner has been made accused in five other cases and he is on bail in all five cases.

7. However, Ld. APP for the State opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Court-1, Samastipur, in connection with Pusa P.S. Case No. 111 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court



below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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