

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40104 of 2024

Arising Out of PS. Case No.-35 Year-2019 Thana- Excise P.S. District- Samastipur

Sumit Kumar Son of Dinesh Prasad Singh R/O village- Lagunia Raghukanth,
P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Adv.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Excise P.S.
Case No. 35 of 2019 dated registered for the offence punishable
under Section 30(a) of The Bihar Prohibition and Excise
Amendment Act, 2018.

3. The allegation is of recovery of 555 litres of foreign
liquor from the Bamboo orchard.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is submitted that nothing has been recovered from the
conscious possession of the petitioner rather the said recovery
has been made from the Bamboo orchard, which is ancestral



property of the petitioner and others. Lastly, it has been submitted that the petitioner is in custody since 31.03.2024, having two criminal cases and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Spl. Judge Excise No. 2, Samastipur in connection with Excise P.S. Case No. 35 of 2019, subject to the following conditions:-

1. 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.

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

3. 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.

4. 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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