

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45554 of 2024

Arising Out of PS. Case No.-599 Year-2022 Thana- MAHUA District- Vaishali

Sumit Kumar @ Chandan Singh Son of Umesh Singh Resident of Vill-
Mahua Singh Rai, P.S- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramadit Mr., Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-07-2024

Heard the parties.

2. The petitioner is an accused in connection with Mahua P.S. Case No. 599 of 2022 registered for the offences under section 414 of the Indian Penal Code and sections 30(a), 32(ii), 34(ii) and 41(i) of the Bihar Prohibition and Excise Amendment Act lodged on 19.09.2022 by the informant, Prabhat Ranjan Saxena.

3. As per the prosecution story, the police raided a truck as also a Pick-Up Van and recovered/seized altogether, 2434.080 litres of wine. This followed the F.I.R.

4. Learned Counsel for the petitioner submits that his name has come in the statement of Chawkidar, he was not present on the spot and because of criminal antecedent, implicated.



5. Learned APP for the State, on the other hand, pointed out that he has 18 criminal cases of same nature under his belt and even after the rejection of his anticipatory bail on 10.02.2023 (Cr. Misc. No. 726 of 2023), he evaded arrest and came into judicial custody only on 29.05.2024 (paragraph-12 of the petition).

6. Taking into account the criminal antecedent of the petitioner having 18 cases under his belt as also that he chose to surrender after long time despite his name being there, it would be appropriate that he is released on bail only after the charges are framed in the present case.

7. Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Prohibition and Excise Court-II, Vaishali, Hajipur in connection with Mahua P.S. Case No. 599 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station till the conclusion of trial to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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