

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50658 of 2024

Arising Out of PS. Case No.-197 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Sikin Kumar @ Sikandar Kumar @ Sikandar @ Sakindar Kumar Son Of
Bhuneshar Mahto @ Bhuneshwar Singh Village- Nikaspur, P.S.- Tajpur,
Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap

For the Opposite Party/s : Mr. Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. He submits that there is no recovery from the conscious
possession of the petitioner rather 25.125 liters of foreign liquor
is said to have recovered from the Veranda of the petitioner's
house. He submits that the alleged place of recovery is open
from the front and since it is accessible to any one so merely
due to village politics and enmity some one has planted illicit



liquor in the petitioner's veranda. He further submits that petitioner has four criminal antecedents out of which three antecedents are of similar nature as stated in para-3 of the bail application and the petitioner has been languishing in custody since 27.05.2024.

4. Petitioner is agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) in Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna.

5. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Excise P.S. Case No.197 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the



petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated 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 proceeding for cancellation of bail on the ground of misuse.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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