

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77435 of 2024**

Arising Out of PS. Case No.-398 Year-2024 Thana- BAHADURPUR District- Patna

Sumit Kumar Son of Shahbir Prasad Resident of Village- Belwarganj Chai  
Tola, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      12-11-2024                      Heard the parties.

2. The petitioner is in custody in connection with Bahadurpur P.S. Case No. 398 of 2024 for the offence punishable under sections 30(a), 32, 41(1)(2) of Bihar Prohibition & Excise Act lodged on 20.09.2024 by the informant, Ajay Kumar.

3. As per the prosecution story, upon secret information, the police raided Alka Colony and found cartoons there being kept in tempo/motorcycle. Upon search, there is allegation of recovery of 32.400 liter spirit from the motorcycle and 54 liter from the tempo. Further, upon search of the godown, 468 liters spirit recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



neither he owns the tempo/motorcycle nor is the owner of the godown and had went there only to make payment for the cement purchased from Ajay Singh. He is in custody since 21.09.2024 (para 10 of the petition) having no criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts as also that he does not own either of the vehicle and also is not the owner of the godown, has remained in custody since 21.09.2024, has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Patna city in connection with Bahadurpur P.S. Case No. 398 of 2024 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

**(Rajiv Roy, J)**

Vijay Singh/-

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