

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9378 of 2025

Arising Out of PS. Case No.-375 Year-2024 Thana- KAUWAKOL District- Nawada

Sumant Kumar @ Naga Mahto @ Nago Mahto @ Sumant, Male, aged about 31 years, S/o Harihar Mahto, R/o Village- Sekhodeswra, PS- Kawakol, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Kawakol PS Case No.375 of 2024 dated 28.10.2024, instituted under Sections 305(b), 317(2) *Bharatiya Nyaya Sanhita*, 2023, and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Allegation is of recovery of total 113.250 litres foreign liquor from three motorcycles.

4. Learned counsel for the petitioner submits that nothing has been recovered either from conscious possession or from the house of the petitioner. The seized motorcycles do not belong to the petitioner. Only on the basis of disclosure made by the local *Chaukidar*, the petitioner has been made accused in



this case. Lastly, it is submitted that five criminal cases of similar nature are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 Exclusive Special Excise Judge- II, Nawada, in Kawakol PS Case No.375 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023, and further (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, (iv) that 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, and (v) that the petitioner after surrendering in the Court below shall appear before the SHO of his area along with a copy of this order within a period of two weeks and thereafter shall appear every fortnightly before him to mark is attendance till the conclusion of trial.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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