

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1832 of 2025

Arising Out of PS. Case No.-273 Year-2024 Thana- PHULWARIYA District- Gopalganj

Sumit Kumar Son of Suman Prasad Resident of Village - Madhopur, P.S.-
Phulwariya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Phulwariya P.S. case
No. 273 of 2024 instituted for the offences under Section
317(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a)
of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 666 liters
liquor was recovered from Scorpio vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered
from the conscious possession of the petitioner. The petitioner
has got no concern with the alleged recovery of liquor. The



name of the petitioner has transpired on the disclosure made by Chowkidar. It is further submitted that the petitioner is neither the owner nor the driver of the vehicle in question. The petitioner is in custody since 12.11.2024 and has got five criminal antecedents. The petitioner has himself surrendered in the Court below as disclosed in paragraph 12 of the bail application. There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwariya P.S. case No. 273 of 2024 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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