

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.17010 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- BITHAN BAZAR District- Samastipur

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1. Kuldeep Yadav @ Kuldeep Kumar, aged about 22 years, Gender-Male, Son of Kapal Yadav @ Kapil Dev Yadav, Resident of Village - Teni, P.S.- Bithan, Distt.- Samastipur.
 2. Kundan Kumar @ Sumit Kumar, aged about 28 years, Gender-Male, Son of Mohar Lal Yadav, Resident of Village - Kelwari P.S.- Bithan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad, Adv.

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 27-03-2019 Mr. Sarbottam Kumar Sarkar, the learned counsel

for the petitioners, after some arguments, seeks permission

to withdraw the application with respect to petitioner No.

2/Kundan Kumar @ Sumit Kumar in order to enable him to

appear before the Court below and seek regular bail.

The prayer for anticipatory bail of petitioner No. 2
is, therefore, dismissed as withdrawn with the liberty



aforesaid.

Should such an application be filed, the learned Court below shall take into account all relevant facts including that there has not been any recovery from the possession of petitioner No. 2 and shall pass order in accordance with law without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The petitioner No. 1/Kuldeep Yadav @ Kuldeep Kumar seeks bail in anticipation of his arrest in connection with Bithan P.S. Case No. 83 of 2018, dated 28.09.2018, instituted for the offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2016.

243 litres of liquor is said to have been recovered from the cane field from near the house of one Dilwar Yadav, who was arrested at the time of raid. The name of petitioner No. 1 has transpired in the confessional statement of aforesaid Dilwar Yadav. The petitioner No. 1 happens to be the maternal nephew of aforesaid Dilwar Yadav.

Considering the fact that there has not been any



recovery from the possession/constructive possession of petitioner No. 1 and he bears good record, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Addl. Sessions Judge-Cum-Special Judge, Excise Act, Samastipur in connection with Bithan P.S. Case No. 83 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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