

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4900 of 2020**

Arising Out of PS. Case No.-416 Year-2019 Thana- KOILWAR District- Bhojpur

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Kundan Choudhary @ Kundan Kumar, Son of Ram Gahan Ray, Resident of
Village - Barka Chanda, P.S.- Koilwar, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta
For the State : Mr. Uma Shankar Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 13-05-2020 Heard.

The matter has been taken up through virtual court proceeding.

The present application has been preferred for grant of bail in a case registered for the offences punishable under Section Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by the Amendment Act 8 of 2018.

The prosecution case, as per the written report of Brajesh Kumar, being the S.I. of Police, Koilwar Police Station, dated 15.12.2019, submitted to the Additional District and Sessions Judge-IV-cum-Special Court, Excise, Bhojpur, is to the effect that on the same day the informant received a secret information that co-accused Awadhesh Chaudhary and the petitioner Kundan Kumar stored illicit liquor in a room behind



their house, consequently raid was laid leading to recovery of 215 litres of country made liquor were recovered and the petitioner along with other co-accused persons were apprehended on the spot, leading to registration of the FIR.

From the pleading of Criminal Miscellaneous application, it appears that no verification was made with regard to the possession of the room in question and a statement has been made in paragraph no. 10 of the petition that the petitioner is not having any concern either with the room in question or with the seized liquor. The petitioner is languishing in custody since 16.12.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from the room of the petitioner.

Considering the fact that investigation has already been concluded coupled with the period in custody and the fact that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge-IV, Excise, Bhojpur at Ara in connection with Koilwar P.S. Case No. 416 of 2019, Excise



Case No. 2545 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Adhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Special Judge-IV, Excise, Bhojpur at Ara in connection with Koilwar P.S. Case No. 416 of 2019, Excise Case No. 2545 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown, due to present pandemic COVID-19, is not over in three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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