

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10313 of 2020

Arising Out of PS. Case No.-113 Year-2018 Thana- PANDARAK District- Patna

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KUNDAN KUMAR @ KUNDAN SINGH S/o Krishnanadan Singh @
Kishore Singh Resident of Village- Mor bind toli (Barahpur), P.S.- Mokama,
Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar
For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for regular bail arises out of

Pandarak P.S. Case No. 113 of 2018, disclosing the

offence under Section 30(a) of the Bihar Excise Prohibition

and Amendment Act.

From a pick-up van 1279 litres of illicit liquor was

recovered. The driver of the vehicle named the petitioner of

his involvement in the trade of illicit liquor.

Learned counsel appearing on behalf of the

petitioner has relied on an order dated 11.01.2019 passed in

Cr. Misc. No. 76542 of 2018 whereby the co-accused



Sudhir Kumar has been allowed regular bail.

I have carefully perused the said order dated 11.01.2019. A coordinate Bench of this Court while accepting the plea that Sudhir Kumar being the driver of the vehicle was not knowing what was loaded in the said pick-up van, has allowed regular bail, considering his clean antecedent.

Learned counsel appearing on behalf of the petitioner has further referred to the averment made in paragraph-10 of the application to contend that his name has been added at the instance of the Assistant Superintendent of Police, Barh.

Be that as it may, following are the cases in which the petitioner is an accused:-

- (i) *Mokama P.S. Case No. 162/17, under Section 30(a) of Excise Act.*
- (ii) *Hatidah P.S. Case No. 82/18 under Sections 30(a) and 36 of the Excise Act.*
- (iii) *Mokama P.S. Case No. 44/2019 and 113/2019 under Section 30(a) of the Excise Act.*
- (iv) *Mokama P.S. Case No. 278/18 under Sections 414, 420/34 of the Indian Penal*



*Code, Sections 30(a) and 36 of the
Excise Act.*

Considering the criminal antecedent of the
petitioner, I am not inclined to grant the petitioners privilege
of regular bail.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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