

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21120 of 2020**

Arising Out of PS. Case No.-32 Year-2020 Thana- KIUL RAIL P.S. District- Lakhisarai

Kundan Kumar, aged about 26 years, Gender-Male, Son of Ajablal Yadav
Resident of Village - Sansar Pokhar, P.s.- Kabaiya, District- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the Opposite Party : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

2 20-07-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner is apprehending arrest in connection with
Rail Kiul P.S. Case No. 32 of 2020 for offences under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner would submit that
petitioner has no criminal antecedent. In this case two persons were
apprehended and from their possession 78 litres and 50 litres of
liquor was seized.

Learned counsel appearing on behalf of the petitioner
would submit that in the instant case petitioner's name surfaced
because his Aadhar Card was seized by the police from possession of
the accused persons arrested at the spot. The liquor was seized from
Train No. 12361 UP at Platform No.3 Kiul Station in between
Sleeper Coach Nos. 11 and 12. Learned counsel would submit that



the petitioner was not involved in the trade of liquor and he has been made accused only because his Aadhar Card was recovered from possession of the accused persons. He further submits that in fact his Aadhar Card was lost and he has been made accused in this case only on suspicion that there is recovery of Aadhar Card.

Considering the fact that the petitioner has no criminal antecedent and except for Aadhar Card, there is no material to implicate the petitioner in the case, the Court is inclined to grant bail to him subject to the condition that the petitioner has to deposit Rs.50,000/- in cash. On depositing the amount of Rs.50,000/-, petitioner, above-named, in the event of arrest or surrender within one month from today, shall be released on bail on furnishing bail bond of Rs.50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Lakhisarai in connection with Rail Kiul P.S. Case No. 32 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Deposit of Rs.50,000/- (Rupees fifty thousand) shall abide by final outcome of the instant criminal case.

(Anil Kumar Upadhyay, J)

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