

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23275 of 2020**

Arising Out of PS. Case No.-260 Year-2019 Thana- HASANPUR District- Samastipur

KUNDAN KUMAR @ KUNDAN YADAV S/o Late Ramdeo Yadav Resident
of Village-Malhipur, P.S.-Hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate
For the Opposite Party/s : Mr.APP

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

2 11-09-2020 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Hasanpur P.S. Case No.
260 of 2019, registered for the offence punishable punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3259.08 litres of foreign liquor is said to have been
recovered from a truck parked beside the road.

It is submitted that petitioner has falsely been
implicated in this case. Nothing has been recovered from
conscious possession of this petitioner. Petitioner has been
named in this case on secret information. Petitioner was not



apprehended on the spot. The provision of section 100 Cr.P.C has not been followed. Petitioner has got no concern with the seized wine or the truck. Petitioner is in custody since 28.04.2020 having clean antecedent.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge Excise, Samastipur in connection with Hasanpur P.S. Case No. 260 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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