

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16434 of 2021

Arising Out of PS. Case No.-326 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Raj Babbar Kumra @ Raj Babbar Kumar @ Manoj, male, aged about 25 years, Son of Shikandar Yadav Resident of Village- Tulsi Tola, Ward No. 05, P.S.- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in connection with Special Case No. 398 of 2020 (CIS No. 398 of 2020) arising out of *Kochadhaman* PS Case No. 326 of 2020, instituted for the offence under Section 414 of the Indian Penal Code and Sections 30(a), 35,36 and 41 of the Bihar Prohibition and Excise Act, 2016.

Since 31.12.2020, the petitioner is stated to be in custody.



The allegation is that he was on the stolen vehicle from which there is recovery of 884.4 litres of illicit foreign liquor.

Learned counsel for the petitioner submits that he has no concern with the alleged recovery. He is a man of clean antecedents and the recovery is not in accordance with law. There is no First Information Report to show that the vehicle was stolen vehicle.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released 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 Additional District and Sessions Judge-cum-Special Judge (Excise) Kishanganj, in connection with Special Case No. 398 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to



inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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