

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17919 of 2021**

Arising Out of PS. Case No.-207 Year-2020 Thana- BHAWANIPUR District- Purnia

Kundan Kumar @ Kundan Kumar Singh Son Of Ram Nivas Singh R/O
Kemai, P.S.- Bhawanipur, District- Purnea.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

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

Petitioner, in the present case, is seeking regular bail
in connection with Special Excise Case No. 444 of 2020 arising
out of Bhawanipur P.S. Case No. 207 of 2020 registered for the
offences punishable under Section 272, 273 and 120(B) of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition &
Excise Act, 2016.

As per prosecution story, while the informant along
with police force were returning from a raid from Leela Gram
and reached Chhatra Tola they saw a truck, one Maruti Car and



one motorcycle and some persons were loading and unloading, when they reached there they started fleeing away but they apprehended with the help of police force. The apprehended persons disclosed their names as Kundan Kumar, Bittu Kumar Singh Rudal Kumar and Ravi Kumar. One country made pistol recovered from waist of the petitioner for which a separate case has been lodged against him. On search from the vehicles, total 418.68 liters of illegal liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on suspicion, petitioner is a daily wages labour and works for loading unloading the stone chips from the truck, the petitioner was hired by the owner of the truck and he is in custody since 17.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that for recovery of the country made pistol a separate case has been registered, so far as the present case is concerned, in connection with this case petitioner has remained in custody since 17.10.2020, investigation against him is complete but the



trial is not likely to take place in near future, save and except the present case and the separate case registered against the petitioner simultaneously he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea, in connection with Special Excise Case No. 444 of 2020 arising out of Bhawanipur P.S. Case No. 207 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

