

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18924 of 2021

Arising Out of PS. Case No.-234 Year-2020 Thana- BAUSI District- Purnia

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KUNDAN KUMAR SINGH SON OF RAVINDRA PRASAD SINGH
Resident of Village - Kumhari, P.S.- Kadwa, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mrs. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-07-2021 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 Baisi P.S. Case No. 234 of

2020 corresponding to Special Excise Case No. 386 of 2020,

registered for the offence punishable punishable under Sections

272, 273 of the Indian Penal Code and section 30(a), 41 and 47

of the Bihar Prohibition and Excise Act, 2016.

1530 litres of foreign liquor has been recovered from

a truck and this petitioner who is driver-cum-owner of the

vehicle was apprehended on the spot.

It is submitted that no recovery has been made from

conscious possession of this petitioner. Petitioner has no



concern with the seized liquor. Petitioner is in custody since 28.09.2020 having no criminal antecedent, as stated in para 3 of the petition.

Considering the period of custody coupled with the fact that petitioner bears clean antecedent, 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 Special Judge Excise, Purnea in connection with Baisi P.S. Case No. 234 of 2020 corresponding to Special Excise Case No. 386 of 2020, 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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