

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37896 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- VAISHALI District- Vaishali

=====

Kundan Kumar, S/o Late Jai Narayan Thakur, R/o village- Madarna, P.S.-
Vaishali, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nityanand, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Vaishali P.S. Case No.172 of 2020 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

There is alleged recovery of 5.385 litres illicit
liquor from the shop of co-accused Manoj Chaudhary. 343.59
litres liquor has also been recovered from the house of co-
accused Vivek Kumar. Petitioner's implication is on the
allegation that the illicit trade was being carried on at the
instance of the petitioner along with others. Petitioner is
member of the syndicate.

It is submitted by the petitioner's counsel that from



the F.I.R. it is evident that there is no recovery from the petitioner or his property. On suspicion, he has been implicated. The petitioner has no criminal antecedents and is in custody since 20.03.2021.

Learned APP for 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 learned Additional Sessions Judge-II-Cum-Excise Court, Vaishali at Hajipur, in connection with Vaishali P.S. Case No.172 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

