

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39591 of 2020

Arising Out of PS. Case No.-319 Year-2020 Thana- BARAUNI District- Begusarai

Chunnu Kumar, Son of Awadh Singh, Resident of Village- Singhaul, P.S.-
Muffasil (Singhaul O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-02-2021 At the very outset, the petitioner's counsel submits that there is a recovery of 2200 litres illicit liquor, as per prosecution case, which has wrongly been mentioned as 1245.240 litres due to typographical error in paragraph 12 of the petition.

Heard learned Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Barauni Refinery P.S. Case No.319 of 2020 registered for the offence punishable under Section 414 of the Indian Penal Code and Sections 30(1), 40(1)(2) of the Bihar Prohibition and Excise Act.

The petitioner is alleged to have been arrested from near the vehicle on which 2200 litres of illicit liquor was



recovered.

Petitioner's counsel submits that the petitioner is a poor labourer providing the services of loading/unloading of goods, unconscious of the fact that the goods were illicit liquor. He has no criminal antecedents. Recovery, even as per the prosecution case, is not from his possession and is not in accordance with the mandatory procedure. Other two co-accused, namely, Amit Kumar and Dilip Kumar @ Dilip Kumar Singh, have been allowed bail in Cr.Misc. No.36525 of 2020 and Cr.Misc. No.37170 of 2020, respectively.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 2nd Additional Sessions Judge-Cum-Special Judge, Excise Act, Begusarai, in connection with Barauni Refinery P.S. Case No.319 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)

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