

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5736 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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Kundan Kumar Son of Naresh Yadav @ Naresh Prasad Yadav, Resident of
Village - Maranga Paschim, P.S.- Maranga, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Binod Shankar Modi, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 In view of sudden surge of COVID–19 infection there

is limited functioning of the High Court and therefore the matter

has been listed for consideration through virtual mode.

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

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

Petitioner seeks bail in Special Case No. 336 of 2020
registered under section 30 (a) of the Bihar Prohibition and
Excise Act.

624.750 litres of illicit liquor has been recovered



stored/concealed beneath cauliflower vegetables from the magic vehicle in question. Petitioner is said to be the driver.

It is submitted that the petitioner was a professional driver. He is not concerned with the illicit liquor allegedly recovered from the vehicle in question. He had no knowledge that liquor was concealed beneath vegetables. Petitioner has one criminal antecedent and he is on bail in the other case. In the instant case he is in custody since 17.11.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds 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-II Special Judge Excise, Kishanganj in Special Case No. 336 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 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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