

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 5891 of 2021**

Arising Out of PS. Case No.-305 Year-2020 Thana- PALIGANJ District- Patna

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KUNDAN KUMAR PATHAK @ KUNDAN KUMAR SON OF RAJU
PATHAK RESIDENT OF VILLAGE-MAHABALIPUR, POLICE STATION-
PALIGANJ, DISTRICT-PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Gajendra Kumar Singh

For the Opposite Party/s : Mr Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-06-2021 This case has been taken up today for consideration
through Video Conferencing.

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

The petitioner seeks bail in Paliganj Police Station
Case No 305 of 2020 instituted for the offence punishable under
Section 30 (a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

157.500 illicit foreign liquor has allegedly been
recovered from where four persons were fleeing away.
Petitioner has been identified as one of them by the local
Chaukidar.

Learned counsel submits that, even as per prosecution



case, the petitioner was not apprehended at the place of recovery. Petitioner's implication is false and based on extraneous considerations. Having no criminal antecedent, the petitioner is in custody since 20.10.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Patna in Special Case No 5474 of 2020 arising out of Paliganj PS Case No 305 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today



for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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