

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9992 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- UJIYARPUR District- Samastipur

Krishnandan Kumar @ Krishanandan Kumar Singh @ Langra S/O Late
Sharwan Kumar Mahto @ Late Shrawan Mahto R/o village- Najirpur, P.S.-
Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Ujiyarpur
P.S. Case No. 90 of 2021 registered for the offence under
Sections 414, 461, 468, 471, 420 and 34 of the Indian Penal
Code and Sections 30(a) and 41(i)(ii) of Bihar Prohibition and
Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.11.2021.



The allegation against the petitioner is to involve in illegal trading of illicit liquor, where 2406.6 liters of IMFL was recovered from the possession of the co-accused, namely, Manoj Kumar Singh.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by apprehended co-accused, namely, Manoj Kumar Singh, leading to no recovery of any incriminating material, which may connect the petitioner with the present recovery of illicit liquor. It has further been submitted that said co-accused, namely, Manoj Kumar Singh has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 46899 of 2021 dated 07.03.2022. It has been submitted that petitioner is involved in five more criminal cases in which he is on bail. While concluding the argument, it has been submitted that chargesheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Manoj Kumar Singh.



Considering the facts and circumstances as mentioned above, as name of the petitioner surfaced on the basis of confessional statement of co-accused, leading no incrimination, which may connect the petitioner with the present recovery of illicit liquor, let the petitioner, above named, is directed to be released on bail in connection with Ujiyarpur P.S. Case No. 90 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Samastipur, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by
the documents.

(iii) That one of the bailors shall be
Sarita Devi, who is the wife of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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