

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12840 of 2022**

Arising Out of PS. Case No.-90 Year-2021 Thana- BIBHUTIPUR 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.A.G.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 01-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Bibhutipur P.S. Case No. 90 of 2021 (Excise
G.R. No. 251 of 2021) registered for the alleged offences under
Sections 272, 273 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that about 3961 liters of illicit
liquor was recovered from an orchard and two Bolero Pick-up
vans. The name of the petitioner transpired for being involved in



this case in confessional statement of co-accused Shashi Kumar.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner is neither the owner of the place nor the vehicle from where recovery has been made nor he was present at the spot. He has been made an accused only on basis of suspicion. He was not apprehended from the spot and nothing incriminating has been recovered from him. Learned counsel further submits that the petitioner is about 80% handicapped. There is no independent witness to the seizure list. Though the petitioner is having five cases pending against him but he is on bail in each case. Learned counsel further submits that the co-accused who named this petitioner in his confessional statement has been granted bail vide order dated 04.01.2022 passed in Criminal Misc. No. 36667 of 2021 by a coordinate Bench. Charge-sheet has been submitted and the petitioner is in custody since 02.11.2021.

Learned A.P.P. for the State opposes the prayer for bail submitting that huge quantity of around 4000 liters of illicit liquor has been recovered and the petitioner is said to be involved in this case.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been



apprehended from the spot and co-accused has been granted bail by a coordinate Bench and further considering the period of custody, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court 1st, Samastipur in connection with Bibhutipur P.S. Case No. 90 of 2021 (Excise G.R. No. 251 of 2021), subject to the following conditions :

(i) The bail bond of the petitioner shall be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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