

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15576 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- MANSURCHAK District- Begusarai

Kundan Kumar, S/O Ashok Mahton, R/o village- Manopur, P.S.-
Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Mansoorchak P.S. Case No. 12 of 2021 registered for the alleged offences under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is that police received secret information about co-accused persons bringing India made foreign liquor on a tempo. On seeing police, three persons escaped from there and 187.560 litres illicit liquor, one



motorcycle and one Maxima tempo were seized.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and his name surfaced on the basis of confessional statement of co-accused. Even the illicit liquor has not been seized from the conscious possession of this petitioner. Learned counsel further submits that petitioner is the owner of the tempo and has handed it over to the co-accused persons and for this reason, he has been made an accused in this case. He has no knowledge about the contraband loaded on his tempo. Charge-sheet has been submitted in this case and the petitioner is in custody since 03.06.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been apprehended from the spot and charge-sheet has been submitted in this case and further taking into considering the period of the custody, the petitioner above named 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 Additional Sessions Judge-2-cum-Special Judge, Excise



Act, Begusarai in connection with Mansoorchak P.S. Case No.
12 of 2021, subject to the following conditions :

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

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

(iii) 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)

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