

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25704 of 2022

Arising Out of PS. Case No.-511 Year-2021 Thana- BARHARA District- Bhojpur

Kundan Kumar Singh S/O Sri Baijnath Singh Resident Of Village - Poswan,
P.S. - Agiaon, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Singh

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 49.890 liters of foreign liquor is said to have recovered from the car. He submits that prior to the occurrence, petitioner had sold the said vehicle to one Nand



Kishore Singh on 01.09.2021 and a sale deed was also executed by the petitioner in presence of two witnesses and after two days, this occurrence took place. He further submits that petitioner has no criminal antecedents as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna, bearing Saving Account No. 35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code- 153, IFSC Code-SBIN0000153.

Considering the facts and circumstance of the case, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Barahara P.S. Case No. 511 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna.

(Anjani Kumar Sharan, J)

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