

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29842 of 2022

Arising Out of PS. Case No.-513 Year-2018 Thana- BIDUPUR District- Vaishali

=====

KUNDAN SINGH@ KUNDAN KUMAR @ RAJESH KUMAR Son of
Rambabu Singh @ Rambabu Rai Resident of Village - Gopalpur @
Gopoolpur Chaknai, P.s.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with

Bidupur P.S. Case No. 513 of 2018 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Act, 2018.

As per prosecution case, there is alleged recovery

of 09 litres foreign liquor from the Alto car in question. The

apprehended co-accused disclosed the name of the petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 09.03.2022 and bears criminal



antecedent of six cases in which two is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing recovered from the conscious possession of the petitioner and he has falsely been implicated in this case. It is further submitted that petitioner was not apprehended on the spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1 cum Additional District and Sessions Judge, Vaishali, Hajipur in connection with Bidupur P.S. Case No. 513 of 2018, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

minu/-

U		T	
---	--	---	--

