

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36249 of 2022

Arising Out of PS. Case No.-81 Year-2018 Thana- BAHADURGANJ District- Kishanganj

Kundan Kumar @ Kundan Yadav @ Kundan Son of Murlidhar Yadav R/O
Village- Purvi Thatha, Ward No.-06, P.S.- Mansi, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2022 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
Bahadurganj P.S. Case No. 81 of 2018 registered for the
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.01.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 116.625 litres of IMFL/country made liquor from
the Tata Sumo (vehicle) bearing registration no. JH20A33131



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not connected with the alleged recovery of illicit liquor and admittedly, it has not been recovered from the possession of the petitioner, getting its further strength as seizure list does not bearing signature of the petitioner. It is submitted that the name of the petitioner surfaced on the basis of disclosure made by co-accused Pradeep Kumar Chaurasia and Pawan Kumar. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor was not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor was not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bahadurganj P.S. Case No. 81 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



District and Sessions Judge-II-cum-Special Judge (Excise),
Kishanganj/concerned court, subject to the conditions as
mentioned under Section 437 (3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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