

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46373 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- KURTHA District- Jehanabad

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BINDU KUMAR @ BINDU SAO S/O LAL MOHAN SAO R/o village-
Sura, P.S.- Kurtha, Distt.- Arwal

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1, Adv

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 15.07.2021 seeks
regular bail in connection with Kurtha P.S. Case No. 03 of 2021
registered for offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 161.250
litres of illicit foreign liquor has been recovered from the house
of one Kishori Singh.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been



implicated in the present case. It is further submitted that the recovery is from the house which belongs to the joint family. The petitioner is in custody since 15.07.2021. He further submits that one co-accused namely, Kishori Singh has already been enlarged to bail vide order dated 23.06.2021 passed in Cr. Misc. No. 14579 of 2021.

Learned A.P.P. however, opposes the prayer for bail.

Having considered the fact and circumstances of the case and considering that the petitioner is in custody since 15.07.2021 and his submission is that recovery is from the house which belongs to the joint family, investigating is complete but the trial is not likely to be concluded in near future, the petitioner is directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-(ii) cum Special Judge Excise, Jehanabad in connection with Kurtha P.S. Case No. 03 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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