

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37660 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- VAISHALI District- Vaishali

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Kundan Kumar Singh @ Kundan Kumar, S/O Birendra Singh, Resident of
Village- Rampur Horil , P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Vaishali P.S. Case No. 366 of 2021 registered
for the alleged offences under Sections 272, 273, 414 of the
Indian Penal Code and Sections 30 (a), 34 (II), 38 (II), 41 (1) of
the Bihar Prohibition and Excise Act.

As per prosecution case, the police received secret
information about the petitioner and other co-accused persons in
connivance with each other bringing large consignment of illicit
liquor from a truck and unloading the same on smaller vehicles



for further transportation. A raid was conducted on the identified place and from a number of vehicles, altogether 3723.81 liters of India made foreign liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. None of the vehicles seized during the raid belong to this petitioner. He has been named in this case merely on suspicion and on secret information. Charge sheet has been submitted in this case and the petitioner is in custody since 12.05.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Special Judge, Excise Act, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 366 of 2021,



subject to the conditions mentioned in Section 437 (3) of the
Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be
accepted only after framing of charge, if not
already framed.

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

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

(iv) In case of absence on 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)

V.K.Pandey/-

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