

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38201 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- BIDUPUR District- Vaishali

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KUNAL KUMAR S/o Late Diwakar Singh R/o Village- Dilawarpur
Goverdhan, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-08-2022 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.

The petitioner seeks bail in connection with

Bidupur P.S. Case No. 317 of 2021 registered for the offences

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

Excise Act, 2018.

As per prosecution case, there is alleged recovery

of 1830.60 litre illicit foreign liquor from pickup van in

question. There is allegation against the petitioner that he along

with others has brought the said liquor for delivering the same

to other person.

Learned counsel for the petitioner submits that



petitioner is in custody since 11.03.2022 and bears criminal antecedent of six cases in which two cases are of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Petitioner is neither owner nor driver of the said vehicle. Petitioner has no concern with the seized liquor.

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, petitioner is 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1 cum Additional Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 317 of 2021, 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)

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