

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48190 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- BARH District- Patna

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Kundan Mali @ Kundan Kumar, Son of Ramnaresh Malakar Residence of
Village - Delba Gosai, P.S.- Barh, District - Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Adv.

For the Opposite Party/s : Mrs Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for 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 26.03.2021 seeks
bail in connection with Barh P.S. Case No.119 of 2021 (Special
Case No.2265/2021) registered for offence punishable under
Section 30 (a) of the Bihar Prohibition and Excise Act.

Prosecution case in brief, is that after secret
information a search was made at Badapar Chimni Bhattha, near
wheat and mustered field altogether 112.5 liters illicit liquor was
recovered.



Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner and his name has been taken by the villager due to enmity and he has clean antecedent.

Learned APP for the State opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances and of the case, it is directed that the court below after verifying the criminal antecedent of the petitioner and after being satisfy as to whether any other criminal case or excise case is pending against the petitioner and after verifying the same, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court, Patna/successor court in connection with Barh P.S. Case No.119 of 2021 (Special Case No.2265/2021) , subject to the following conditions:

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.



(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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