

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44504 of 2022**

Arising Out of PS. Case No.-220 Year-2021 Thana- BIDUPUR District- Vaishali

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Kunal Singh, Son of Late Diwakar Singh, Resident of village - Maniyarpur,  
P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

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

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      30-09-2022                      Heard learned counsel for the petitioner and  
  
learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Bidupur P.S. Case No. 220 of 2021 registered for the alleged offences under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

Allegedly, total 4527.72 litres of India made foreign liquor was recovered from the cow shed of co-accused who disclosed the name of the petitioner for being involved in illegal trade of liquor.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Co-accused Chandrama Singh @ Chhotu Singh who named this petitioner and from whose possession the illicit liquor was recovered has been granted bail by a Co-ordinate Bench of this Court vide order 05.11.2021 passed in Cr. Misc. No. 45522 of 2021. The petitioner is in custody since 23.03.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and has been made accused in six other cases of similar nature.

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 fact that the similarly placed co-accused person has been granted bail and also considering the submission of charge-sheet along with his period of custody, the petitioner above named 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 Exclusive Special Excise Court No.1-cum-Additional District



and Sessions Judge, Hajipur in connection with Bidupur P.S.  
Case No. 220 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)**

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