

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49908 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- PATORI District- Samastipur

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Kunal Kumar, S/o- late Binda Ray, Resident of Village - Uttari Dhamaun,
P.S.- Samastipur (Muffasil), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Patori P.S. Case No. 157 of 2022 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, recovery of 40.965 litres of
India made foreign liquor was made from an identified place
which was kept concealed in a heap of cow dung about 25 feet
from the poultry farm of the petitioner.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot and nothing



incriminating has been recovered from his conscious possession. Learned counsel for the petitioner submits that the poultry farm does not belong to this petitioner and moreover the recovery has been made from an open place and the petitioner has no concern with the said place or the recovered articles. The petitioner is in custody since 26.06.2022 and the charge-sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, 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 Special Judge Excise Court-2, Samastipur in connection with Patori P.S. Case No. 157 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



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

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

(iii) 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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