

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53417 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- DUMRA District- Sitamarhi

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Kundan Kumar @ Kundan Mahto, S/o Late Ram Pravesh Mahto R/o village- Prem
Nagar, P.S.- Runnisaipur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 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 Dumra P.S. Case No. 126 of 2022 registered for
the alleged offences under Section 414 of the Indian Penal Code
and under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, police received secret
information that the illicit liquor was being unloaded from a truck
in the house of one Ram Sevak Singh. A raid was conducted and
co-accused Ram Sakal Singh and Ram Bharosh Singh were
apprehended. They disclosed that they have let out the premise to
the petitioner and other co-accused persons and they have been



doing the illicit trade of liquor. From the truck total 207.750 liters and from the house total 6115.950 liters of foreign liquor has been recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is evident from the F.I.R. that the recovery was made from the house of the co-accused Ram Shakal Singh and Ram Bharosh Singh and nothing illicit has been recovered from the possession of this petitioner. He was not apprehended from the spot. He has been made accused only on the basis of confessional statement of co-accused person. The petitioner has got no concern with the allegedly recovered liquor or this truck seized in this occurrence. The petitioner has been made accused in a number of cases in high handedness of the police. If any occurrence takes place anywhere in the locality, the petitioner is made accused in that case. Charge sheet has been submitted in this case and the petitioner is in custody since 02.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and is accused in a number of cases.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no



recovery has been made from his conscious possession and also considering the submission of charge sheet along with period of custody of the petitioner, 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, Sitamarhi in connection with Dumra P.S. Case No. 194 of 2021, 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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