

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64118 of 2021

Arising Out of PS. Case No.-579 Year-2021 Thana- KANTI District- Muzaffarpur

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KUNDAN KUMAR S/o Kamal Kishore Ray Resident of Village- Balakothi
(Bhagwatiya), P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70917 of 2021

Arising Out of PS. Case No.-579 Year-2021 Thana- KANTI District- Muzaffarpur

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SUBODH KUMAR Son of Late Madan Prasad Resident of Village -
Manikpur, P.S.- Minapur, District - Muzaffarpur - 843128.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64118 of 2021)

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 70917 of 2021)

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-04-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 399 and 402 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and section 30(a) of the Bihar Prohibition and Excise Act, 2016.



As per the prosecution case, on alto car and Wagon R car was stopped for search, five accused persons including the two petitioners herein were taken into custody. It is stated that total of 4.5 litres of liquor besides cash was recovered from the two vehicles. In addition to the same one loaded country made pistol with the live cartridges were recovered from the possession of Subodh Kumar and another loaded country made pistol with the live cartridge were recovered from the possession of Kundan Kumar.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. No incriminating article has been recovered from their possession. Both the petitioners have no criminal antecedent under the Bihar Prohibition and Excise Act, 2016 and they are in custody since 11.9.2021 and 10.9.2021 respectively. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioners not having any criminal antecedent under the Bihar Prohibition and Excise Act, 2016 and having remained in custody for over 7 months and chargesheet having been submitted in the case, the Court directs



the petitioners to be enlarged on bail in connection with Kanti P.S.
Case no. 579 of 2021 on each of them furnishing bail bond of
Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned Special Judge, Excise
Act, Muzaffarpur.

(Partha Sarthy, J)

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