

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54433 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Kundan Kumar Son Of Dipnarayan Rai, R/O Village- Mangalpur, Mangalpur
Huseni, P.S.- Dumariya Ghat, District- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, 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 Excise Case No. 66 of 2022 registered for the
alleged offences under Section 30(a) of Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, on a tip off, a car was
intercepted and the petitioner and co-accused driver were
apprehended. From the said car 61.200 liters of India made
foreign liquor was recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has taken lift in the car and he was not having any knowledge about the fact that the illicit liquor was kept in the said car. The co-accused driver has wrongly stated to the authorities that the recovered liquor belongs to the petitioner. The petitioner has no concern with the allegedly seized liquor and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 02.07.2022 and the prosecution report has been submitted in this case. The petitioner is having clean antecedent.

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 submission of prosecution report and the period of custody of the petitioner along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 228 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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