

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54409 of 2022

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

KUNDAN KUMAR @ KUNDAN MAHTO, Son of Late Ram Pravesh Mahto Resident of Village - Prem Nagar, P.S.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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 Runnisaidpur P.S. Case No. 491 of 2020 registered for the alleged offences under Section 414 of the Indian Penal Code and under Sections 30(a) 38(i)(ii) and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received information about co-accused persons bringing huge consignment of illicit liquor and a raid was conducted on the house of the co-accused Manoj Prasad and Amit Prasad. On search of the place, a number of vehicles were found parked and from these vehicles total



2962.710 liters of India made foreign liquor was recovered. The name of the petitioner came up as one of the accused persons involved in the case during investigation.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and no recovery has been made from him. The petitioner was not even named in the F.I.R. and the petitioner has no concern with the vehicles seized by the police or the house from which the recovery has been made. Learned counsel further submits that the petitioner was named in this case by the co-accused Ujjwal Kumar Singh, who has been granted bail vide order dated 21.10.2021 passed in Cr. Misc. No. 29218 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 23.06.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

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 shown from him 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 Runnisaipur P.S. Case No. 491 of 2020, 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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