

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55938 of 2022

Arising Out of PS. Case No.-14 Year-2020 Thana- BACHHWARA District- Begusarai

Kundan Singh @ Kundan Kumar Singh Son Of Sadanand Singh R/O Village-
Shah Pur, P.S.- Begusarai Muffasil (LAKHO O.P.), District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate Mr. Amit Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Paradip Narain Kumar, A.G.

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 case bearing Bachhwara P.S. Case No. 14 of
2020 registered for the alleged offences under Sections 414
and 120(B) of the Indian Penal Code and under Sections 30(a)
and 32(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information about a dealing taking place for illicit liquor. A
raid was conducted at the identified place. After seeing the
police party, 4-5 persons started to flee away from the spot but



they were apprehended after chase and total 2177.490 liters of illicit foreign liquor was recovered from two vehicles and a field. The name of the petitioner transpired in this case as being the owner of one of the seized vehicles.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the allegedly seized liquor or the vehicle. The petitioner had sold the vehicle to one Ramashray Ray but he did not get the ownership of the vehicle changed and used it for illegal trade of liquor. The petitioner was never involved in the trade of liquor and nothing incriminating has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 21.08.2022. Other similarly placed co-accused persons have been granted bail by different Coordinate Benches of this court vide order dated 10.07.2020, 04.11.2020, 24.06.2020, 13.05.2020, 14.05.2020 and 03.03.2020 passed in Cr. Misc. No. 21995 of 2020, 25523 of 2020, 20908 of 2020, 19023 of 2020, 16899 of 2020 and 15132 of 2020, respectively. The petitioner has got no criminal antecedent.

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 and his clean antecedent, 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 Judge Excise Act-I, Begusarai in connection with Bachhwara P.S. Case No. 14 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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