

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67490 of 2021

Arising Out of PS. Case No.-143 Year-2021 Thana- KALUAHI District- Madhubani

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KISHUN KUMAR YADAV @ KISHUN KUMAR KAMAT Son of Raja
Ram Yadav Resident of village - Ghormohna, P.S.- Lalmaniya, District -
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Hriday Narayan Harshit, Advocate
For the Opposite Party/s : Mr Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Kaluahi Police Station (for
brevity, *PS*) Case No 143 of 2021 dated 16.09.2021
corresponding to GR No 1691 of 2020 registered for the offence
punishable under Sections 272, 273/34 of Indian Penal Code
and Section 30 (a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

1755 liters Nepali country made liquor has been
recovered from a vehicle. It is alleged that the instant petitioner
and co-accused Birendra Kumar Kamat were arrested from the
vehicle in question.



Petitioner's counsel submits that having no antecedent, the petitioner has become victim of the circumstance after having taken a lift on the vehicle in question. The said Birendra Kumar Kamat was the driver of the vehicle and the petitioner has no concern with the recovered substance. He is in custody since 18.09.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, defence raised by the petitioner for the purposes of grant of bail, clean antecedent, period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in Kaluahi PS Case No 143 of 2021 dated 16.09.2021 corresponding to GR No 1691 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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