

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70640 of 2021**

Arising Out of PS. Case No.-221 Year-2021 Thana- KARJA District- Muzaffarpur

KUNDAN KUMAR S/o Lal Babu Singh R/o village- Fanda, P.S.- Karja,  
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      11-03-2022              Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Karja P.S.Case No. 221 of 2021 registered for the offence under Sections 272,273 and 34 of the Indian Penal Code and Sections 30(a), 37(c) of Bihar Prohibition and Excise Act.

Recovery is of 35 liters of country made liquor.

Learned counsel appearing for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing has been recovered from conscious



possession of the petitioner, rather the recovery has been made from the shop of co-accused, namely, Md. Allaudin. He further submits that the petitioner has no concern with the alleged recovery. He further submits that the police, after investigation, submitted charge sheet against the petitioner and the petitioner is in custody since 03.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Karja P.S.Case No. 221 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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