

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9390 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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KUNDAN KUMAR @ KUNDAN PATEL Son of Premnath Patel @ Prem
Patel Resident of Village- Kanhauli Gadhwai, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Mr. Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30 (a) 32
(i) 32(3), 41 (1) and 42 (2) of the Bihar Prohibition and Excise
Act.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner rather 639 liters
of foreign liquor is said to have been recovered from the
campus of the house of the petitioner and the father of the
petitioner was apprehended by the police. Petitioner has no
concern either with the seized liquor or the place of recovery or



any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery. The house of the petitioner is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the campus of the house. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in the account of Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC : SBIN0010340, State Bank of India, High Court Campus Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with C2A Case No. 74 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C,



subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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