

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19566 of 2023

Arising Out of PS. Case No.-383 Year-2021 Thana- NAWADA District- Nawada

KARTIK KUMAR @ KARTIK CHAUDHARY SON OF SHIV
CHAUDHARY R/O VILLAGE- AAMIPUR, P.S.- MUFFASIL, DISTRICT-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nawada
(Town) P.S. Case No. 383 of 2021 registered for the offence under
Sections 33, 34 and 36 of the Excise Act.

Recovery is of two pouches of country made liquor.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but merely on the basis of confessional
statement of the co-accused, Arvind Yadav, he has been made
accused in this case. He further submits that, in fact, nothing
incriminating has been recovered from the house or conscious
possession of the petitioner. Moreover, co-accused, Arbind Yadav,



Kaushal Yadav and Lakshaman Yadav @ Lakshman Kumar having more of less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 30.05.2022, 23.08.2022 and 03.01.2023 passed in Cr. Misc. No. 72533 of 2021, Cr. Misc. No. 40559 of 2022 and Cr. Misc. No.40559 of 2022 respectively. The petitioner is rotting in judicial custody since 07.01.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries twenty four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Exclusive Special Excise Judge-1st, Nawada in connection with Nawada (Town) P.S. Case No. 383 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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 antecedent, 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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