

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12245 of 2023

Arising Out of PS. Case No.-403 Year-2021 Thana- NAWADA District- Nawada

KARTIK KUMAR @ KARTIK CHAUDHARY Son of Shiv Chaudhary R/v-
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, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
07.01.2023 in connection with Nawada (Town) P.S. Case No.
403 of 2021, F.I.R. dated 06.04.2021 registered for the
offence punishable under Sections 30(a)(b)(c)(d) of the
Excise Act.

3. Recovery is of 400 ml of country made liquor, 05
liters of spirit and packing machine.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case due to his previous criminal antecedent. Further
submits that the petitioner is not named in the FIR. The name



of the petitioner has been transpired on the basis of the so called confessional statement of the co-accused person, namely, Arvind Yadav. Further submits that from bare perusal of the FIR as well as the seizure list that no incriminating article (illicit liquor) has been recovered from possession of the petitioner and thereafter the petitioner has confessed his guilt in the present occurrence and except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. Further submits that the co-accused persons namely, Arbind Yadav, Kaushal Yadav and Lakshman Yadav @ Lakshman Kumar have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 30.05.2022, 23.08.2022 and 03.01.2023 passed in Cr. Misc. Nos. 72533 of 2021, 40559 and 56055 of 2022 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.01.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits the petitioner carries twenty three more cases other than the present one and all are in similar nature.



6. Considering the aforesaid facts, nothing has been recovered from possession of the petitioner, 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 Exclusive Special Excise Judge 1st Nawada in connection with Nawada (Town) P.S. Case No. 403 of 2021, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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