

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15011 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- BEUR District- Patna

Kuldeep Kumar @ Chotu Son of Late Radhe Shyam Thakur Resident of Mohalla - Chariya Bariyarpur, P.S.- Bariyarpur, District - Begusarai, Presently residing at Adarsh Nagar, Dasratha (Rented House), P.S.- Beur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Anand, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since 15.12.2022, in connection with Beur P.S. Case No. 90 of 2022, F.I.R. dated 25.02.2022 registered for the offences punishable under Sections 30(a), 36, 41 and 44 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The case relates to recovery of 962.43 litres of Indian made foreign liquor from the house of co-accused Madhuri Singha.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R.



as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather recovery has been made from the house of co-accused Madhuri Sinha who is wife of co-accused Sunil Singh. He further submits that merely on the basis of suspicion and the previous criminal antecedent of the petitioner, the petitioner has been implicated in the present case. He further submits that except suspicion, no other material has come against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Madhuri Sinha @ Madhuri Kumari has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 20.05.2022 passed in Cr. Misc. No. 24473 of 2022, another co-accused person namely Sunil Singh @ Sunil Kumar Singh has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 05.08.2022 passed in Cr. Misc. No. 25826 of 2022, another co-accused person namely Satyajeet Gaurav @ Ghanti has been granted bail by a Coordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 9096 of 2023, another co-accused person namely Vikash Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 13.01.2023 passed in Cr. Misc. No.



73052 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case of similar nature other than the present one.

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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Beur P.S. Case No. 90 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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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