

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21441 of 2023**

Arising Out of PS. Case No.-164 Year-2022 Thana- BITHAN BAZAR District- Samastipur

Kundan Yadav @ Kundan Kumar Son Of Dasrath Yadav Resident Of Village
- Sihma, P.S. - Bithan, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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

3 13-07-2023 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
30.01.2023 in connection with Bithan P.S.Case No.164 of
2022, F.I.R. dated 13.09.2022 registered for the offence
punishable under Sections 419,420,467,471/34 of IPC and
Sections 30(a),32(1),32(2),41(1) of Bihar Prohibition and
Excise Amendment Act, 2022.

3. Recovery is of 2190.600 liters of illicit liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from bare perusal of the



FIR as well as the seizure list that nothing incriminating material has been recovered from conscious possession of the petitioner rather the recovery has been made from the Bus in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the Bus in question and the petitioner was not arrested at the spot and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 30.01.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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 Special Excise Judge-I, Samastipur in connection with Bithan P.S.Case No.164 of 2022,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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