

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46636 of 2023**

Arising Out of PS. Case No.-280 Year-2021 Thana- NARPATGANJ District- Araria

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KUNDAN YADAV @ KUNDAN KUMAR YADAV S/o- UMESH YADAV
Village- Chanda Khaira Ps- Narpatganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Narpatganj P.S. Case No. 280 of 2021 registered for the offence
under Sections 30(a), 41 and 47 of the Bihar Prohibition and
Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 02.02.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 432 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that name of the petitioner appears on the
basis of disclosure made by apprehended co-accused persons,



namely, Dipesh Kumar, Mahadeo Sah and Mukesh Kumar Mehta, in furtherance of which, no incriminating material including illicit liquor appears to be recovered from conscious physical possession of this petitioner, as to connect this petitioner with present recovery of liquor. While concluding the argument, it is submitted that petitioner found involved in 07 more criminal cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 02.02.2023, let the petitioner, above named, is directed to be released on bail in connection with Narpatganj P.S. Case No. 280 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1, Araria/concerned



court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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