

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52367 of 2023

Arising Out of PS. Case No.-120 Year-2022 Thana- SAHPUR District- Patna

KUNAL DOM S/O LATE DISKO DOM @ LATE SUNIL RAM R/O- Turha
Toli, P.S- Shahpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 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
20.09.2022 in connection with Shahpur P.S. Case No. 120 of
2022, F.I.R. dated 15.03.2022 registered for the offence
punishable under Sections 30(a) & 41 of Bihar Prohibition and
Excise Act.

3. Recovery is of 125 liters of country made liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from a bare perusal of the FIR
as well as the seizure list that altogether 125 liters of country
made liquor has been recovered from outside and inside the
boundary wall of the house in question. Learned counsel for the



petitioner submits that there is non-compliance of Section 100 of Cr.P.C. and the petitioner is not the owner of the house in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner was not apprehended at the spot and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.09.2022.

5. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, 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, Danapur, Patna in connection with Shahpur P.S. Case No. 120 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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