

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59037 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- KURSAILA District- Katihar

Kundan Kumar @ Karamveer Kundan S/O Late Jibachh Mandal @ Sadanand Mandal R/O Village- Balhi Maheshpur, Ps. Kursela, Dist. Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation in the FIR, petitioner is engaged in trading/manufacturing of illicit liquor and recovery of 1000 bottles of cough syrup each of 100 ml. Where one of its composition is codine, which is a scheduled prohibited drug, as per NDPS Act.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this Case. He has no concern with the alleged recovery of codeine syrup or with the vehicle in question. His name has been surfaced in this case on the basis of confessional statement of apprehended co-accused



persons, before the police which has no evidentiary value in the eye of law. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. The other co-accused persons have already been granted bail by another co-ordinate Bench of this Court vide order dated 09.08.2023 passed in Cr. Misc. No. 30670 of 2023 hence, the case of this petitioner stands on better footing of that of the co-accused. Petitioner is languishing in judicial custody since 31.07.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum-Exclusive Excise Act No.2, Katihar, in connection with Kursela P.S. Case No. 41 of 2023.

(Sunil Kumar Panwar, J)

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