

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57816 of 2023

Arising Out of PS. Case No.-320 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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Kundan Yadav @ Kundan Kumar Yadav Son Of Umesh Yadav Resident Of
Village- Khaira Chanda, Ps- Narpatganj, Distt- 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. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 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
15.07.2023 in connection with Araria Excise P.S. Case No. 320
of 2022, F.I.R. dated 05.11.2022 registered for the offence
punishable under Sections 30(a) of Bihar Prohibition and
Excise Act, 2016.

3. Recovery is of 792 liters of Nepali liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. The name of the petitioner has been transpired on
the basis of the disclosure made by the co-accused person,
namely, Lalan Kumar, who was caught on the spot and it



appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner and the petitioner has already been caught on the spot and the petitioner is neither the driver nor the owner of the vehicle in question and he has no concern at all with the alleged recovery of illicit liquor and except the disclosure made by the co-accused person, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the petitioner is in custody since 15.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from conscious 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 Exclusive Special Judge Excise-1st, Araria in connection with Araria Excise P.S. Case No. 320 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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