

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62642 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- BHAGWANPUR District- Vaishali

Kundan Kumar @ Kundan Paswan, Male, aged about 45 years, S/o Late Ghasita Paswan R/o Village- Rasulpur Korigaon, P.S.- Bhagwanpur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 211/2022 registered for the offence punishable under Section 273 of the Indian Penal Code (for brevity 'IPC') and 30(a) of Bihar Prohibition and Excise Amendment Act.

There is alleged recovery of 350.685 litres (three hundred fifty litres and six hundred eighty five millilitres) Indian made foreign liquor from a vehicle. The petitioner is stated to be in the vehicle at the time of recovery.

It is submitted by the petitioner's counsel that petitioner had taken a lift in the vehicle. He is a person having 45 % physical disabilities and has become the victim of the circumstance. Having no criminal antecedents, he is in custody since 04.09.2022. He is neither owner of the vehicle, nor has any concern with the illicit liquor.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned Exclusive Special Excise Court no.1-cum-Additional District and Session Judge, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No. 211/2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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