

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 61874 of 2022**

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAUTHAM District- Khagaria

KUNDAN KUMAR, aged 24 years (Male), son of Janardan Yadav, resident
of Village – Nonha, Police Station – Mansi, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Chautham Police Station
(for brevity, **PS**) Case No 213 of 2022 registered for the offence
punishable under Sections 30 (a), 32 (I) (II), 41 (I) (II), 36 of
Bihar Prohibition and Excise Act, 2022 and Section 420 of
Indian Penal Code.

There is alleged recovery of illicit liquor from two
vehicles. From the petitioner's vehicle, the alleged quantum of
recovery is 103.50 liters. Four persons, including the petitioner,
are stated to be in the vehicle.

Petitioner's counsel submits that it is a case of false



implication. Petitioner has no concern with the alleged recovery. Co-accused Ashutosh Kumar @ Manjit Kumar has been allowed bail by this Court in Cr Misc No 60328 of 2022. The petitioner is on bail in the two cases pending against him since before. In the instant case, he is in custody since 06.08.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge I, Khagaria in Chautham PS Case No 213 of 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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