

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62994 of 2022**

Arising Out of PS. Case No.-149 Year-2021 Thana- KARJA District- Muzaffarpur

Kundan Kumar, S/O Ram Pukar Rai R/O Village- Raksha , P.S- Karja,  
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Upendra Kumar Chaubey

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

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      06-01-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with Karja  
P. S. Case No. 149 of 2021, registered for the offences  
punishable under Sections 272, 273 and 34 of the Indian  
Penal Code and Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

As per allegation, total 3839.40 litres of liquor was  
recovered from a truck and a pick-up van, bearing  
Registration No. UK-08-CA-1378 and BR-06-GE-2670,  
respectively.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner is neither the owner of the alleged vehicles nor is the driver. He further submits that other co-accused persons, namely, Rahul Kumar, Pappu Kumar and Chandan Kumar have been enlarged on bail *vide* orders dated 08.06.2022, 26.07.2022 and 27.08.2022, passed in Cr. Misc. No. 69454 of 2021, Cr. Misc. No. 21633 of 2022 and Cr. Misc. No. 39838 of 2022, respectively.

He further submits that the petitioner has been languishing in jail since 30.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Excise Court No. II, Muzaffarpur, in connection with Karja P. S. Case No. 149 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

skm/-

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