

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73049 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- KALYANPUR District- Samastipur

NUNU KUMAR S/o Ganga Sagar Mahto R/o Village- Hazpurwa, P.S.-
Warisnagar, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the
State through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No. 218 of 2022 instituted under Sections 30(a), 41(i) and 47 of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police got information that Pappu Chaudhary was selling illicit wine behind the Mixture Plant, that he owns, and upon raid, from there, altogether 451.89 litre of foreign liquor was/were recovered/seized and accordingly, the FIR was lodged.

The name of the petitioner has come in the confessional statement of Pappu Chaudhary.

Learned counsel for the petitioner submits that



although his name has come in the confessional statement, to the best of his knowledge, no such paper is on record showing the said confession and further he is a young boy pursuing study, do not have criminal antecedent and amidst the local police politics, his name has been dragged in this case to ruin his future. The last submission is that irrespective of the outcome of this case, the petitioner wants to contribute Rs. 25,000/- towards Patna High Court Legal Services Committee, A/C- 1413010060836 through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer of bail.

Taking into account the aforesaid facts as also that the petitioner do not have criminal antecedent, is a young boy pursuing study and allegation is against Pappu Chaudhary, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with



Kalyanpur P.S. Case No. 218 of 2022 to the satisfaction of learned Special Judge, Excise (1), Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following conditions :

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available before the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at
liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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