

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64420 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- KARJA District- Muzaffarpur

Kundan Kumar, Male, aged about 32 years, S/O Ram Pukar Rai Resident of
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, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 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 Karja P.S. Case
No. 75/2021 registered for the offence punishable under Section 272,
273/34 of the Indian Penal Code (for brevity 'IPC') and 30(a) of the
Bihar Excise & Prohibition Act.

476.640 litres (four hundred seventy six litres & six hundred
forty millilitres) illicit liquor has been recovered from the hutment of
co-accused, namely, Vipul Kumar, who has stated that liquor was
brought by some other persons including the instant petitioner.

Learned counsel for the petitioner submits that the alleged
statement of co-accused has not led to any recovery from the
petitioner's possession. He was not arrested at the time and place of
recovery and his implication is based on criminal antecedents as per
disclosure made in paragraph No. 3. Petitioner is stated to be in
custody since 30.09.2022 and other co-accused have been allowed
bail in Cr. Misc. Nos. 36757/2021, 47113/2021, 63778/2021,



35901/2022.

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

Having regard to the manner of recovery, submissions advanced by the parties, period of custody 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 Special Judge, Excise Court No.-II, Muzaffarpur, in connection with Karja P.S. Case No. 75/2021, 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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