

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67649 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- BITHAN District- Samastipur

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Kundan Sahu @ Kundan Kumar, Son of Ramakant Sahu, Resident of
Mohalla- Sohma, Ward No. 10, P.S.- Bithan, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 01-11-2023 Heard Mr. Ashok Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bithan P.S. Case No. 143 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2022.

3. The police on a secret information, conducted raid at the bamboo orchard of Arvind Sah and on search total 219.6 litres of Indian made foreign liquor were recovered.

4. It is submitted on behalf of the petitioner that the name of the petitioner has been implicated in this case only on a confidential information and save and except the said



information, there is no other material suggesting his complicity in the present case. He next submits that the petitioner has neither any concern with the bamboo orchard of Arvind Sah nor with the alleged recovered illicit liquor, however, only on account of past antecedent of the petitioner, of identical nature, his name has been implicated in this case. He lastly submits that there is other infirmities in the search and seizure.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the bamboo orchard of Arvind Sah, with whom the petitioner has no concern, and there is no other material against the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.-I, Samastipur in connection with Bithan P.S. Case No. 143 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that



one of the bailors shall be the own/close relative of the
petitioner.

(Harish Kumar, J)

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