

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70850 of 2023

Arising Out of PS. Case No.-443 Year-2022 Thana- NAUTAN District- West Champaran

Pundev Kumar @ Pundev Kumar Yadav @ Punyadev Kumar Yadav Son Of
Jang Bahadur Rai Resident Of Village- Jhagaraha, Ps- Sugauli, Distt- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 No one appears for the petitioner. However, learned
Additional Public Prosecutor for the State is present.

2. The petitioner seeks regular bail in connection with
Nautan Jagdishpur P.S. Case No.443 of 2022, lodged on
19.08.2022, under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, from the FIR it appears
that FIR has been lodged under Section 414 of the Indian Penal
Code against eight named accused persons including the present
petitioner.

4. It transpires from the record that antecedent of the
petitioner is clean. He is in custody in this case since
17.08.2023. From the seizure-list it transpires that the recovery



of the wine has been made from near the Shiv Temple of the village.

4. Learned counsel for the State opposes the prayer for bail.

5. Considering the fact that total recovery of 51.480 liters of liquor was not made from the conscious possession of the petitioner and his antecedent is clean, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Bettiah, West Champaran, in connection with Nautan Jagdishpur P.S. Case No.443 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

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

(ii) 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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

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

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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