

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11900 of 2024**

Arising Out of PS. Case No.-245 Year-2023 Thana- KURSAILA District-
Katihar

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Kundan Kumar @ Kundan Singh S/O SUNIL SINGH R/O VILLAGE-
DEVIPUR, WARD NO. 10, PS.- KURSELA, DIST.- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Singh, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Kursela P.S. Case No. 245 of 2023 dated 10.11.2023

registered for the offence under Sections 30(a) of the Bihar

Prohibition and Excise Act.

3. As per the F.I.R. and seizure list, altogether 87

liters of foreign liquor has been recovered from the house of

the petitioner.

4. Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits that the

petitioner has not been arrested from the spot, however, on



the disclosure of local chaukidar, the petitioner has been implicated in this case. Nothing has been recovered from the possession of the petitioner rather the alleged recovery has been made from the joint house property of the petitioner. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list. The petitioner is rotting in judicial custody since 19.12.2023.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is allowed.

7. Let the, above named, petitioner be released on bail, ***after framing of Charge***, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-2, Katihar in connection with Kursela P.S. Case No. 245 of 2023.

8. The trial court is directed to conclude the



proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that **if the charge-sheet has not been submitted** then the above name petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner shall present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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