

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39756 of 2024

Arising Out of PS. Case No.-502 Year-2023 Thana- KONCH District- Gaya

Kundan Kumar Son of Ramadhar Singh Resident of Village- Mok, P.S-
Konch, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Konch P.S. Case No. 502 of 2023 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

03. As per prosecution case, on getting information about some scuffle, the police party reached there and some persons fled away from the spot. From a parked vehicle, 750 ml. of India made foreign liquor was recovered apart from two mobile phones. Petitioner is said to be the owner of the vehicle.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on false, frivolous and concocted grounds. Petitioner has been

made accused in this case only because of the fact that he is owner of the vehicle but the petitioner was not present at the spot and has no knowledge about recovery of illicit liquor from his vehicle. In fact, one of the relatives/driver of the petitioner was driving the vehicle and has gone to purchase some medicines and he too has no idea about the person who put the liquor in the vehicle. It seems, nothing has been recovered from the vehicle of the petitioner but due to village politics, the petitioner has been made accused in this case. There is no cogent material to connect the petitioner with the offence as alleged expect that he is the owner of the vehicle from which recovery has been shown. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation and possibility of false accusation along with clean antecedent of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court

No-04, Gaya in connection with Konch P.S. Case No. 502 of 2023,
subject to the condition laid down under Section 438(2) of the
Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a
close relative of the petitioner.
- (ii) The petitioner will remain
present on each and every date
fixed by the court below, if so
required by the learned trial
court.

(Arun Kumar Jha, J)

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