

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40420 of 2024**

Arising Out of PS. Case No.-56 Year-2024 Thana- ROSERA District- Samastipur

Kundan Kumar @ Kundan Kumar Rai @ Kundan Kumar Raj S/O Ravindra
Kumar Singh Resident of Village- Cinema Chowk Khanpur, P.S- Khanpur,
District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Rosera P.S.
Case No. 56 of 2024, registered under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 73.860 liters
of liquor was recovered from a hut.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel
for the petitioner further submits that the hut does not belong to



the petitioner. Name of the petitioner has transpired in this case on the basis of confessional statement of co-accused persons which has no evidentiary value. The petitioner has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rosera P.S. Case No. 56 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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