

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51119 of 2024

Arising Out of PS. Case No.-78 Year-2021 Thana- DHOLBAJJA District- Bhagalpur

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KUNDAN KUAMR @ KUNDAN MANDAL @ KUNDAN KUMAR
MANDAL, aged about 25 years, Gender, male, S/O BHUNESHWAR
MANDAL R/O JHAUWARI, WARD NO. 3, P.S- RUPAULI, DISTT.-
PURNIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-08-2024 Heard Mr. Diwakar Upadhyaya, learned counsel

appearing on behalf of the petitioner and Ms. Veena Kumari

Jaiswal,, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection

with Dholbazza P.S. Case No. 78 of 2021 registered for the

offence(s) punishable under Section 30(a) of the Bihar

Prohibition and Excise Act

3. As per the allegation made in the FIR, 10 litres of

illicit liquor was recovered from the possession of co-accused

Mithilesh Kumar Mandal, who disclosed the name of the

petitioner as his accomplice.

4. Learned counsel appearing on behalf of the

petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case at the instance of his enemies. He further submitted that name of the petitioner has surfaced in the present case on the basis of confessional statement of co-accused and confessional statement made before police has no evidentiary value. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that name of the petitioner has surfaced in the present case on the basis of confessional statement of co-accused, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-IX-cum-Special Excise Judge-I, Bhagalpur or Successor Court in connection with Dholbazza P.S. Case No. 78 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the



criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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