

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62866 of 2024

Arising Out of PS. Case No.-577 Year-2024 Thana- Excise P.S. District- Aurangabad

Kundan Kumar, Gender- male, aged about 19 years, son of Ramkesh Ram @
Ramkesh Ravidas, resident of Village- Titrain Bigha, P.S.- Simra, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-12-2024 Heard Mr. Bishwa Bijay Kumar, learned counsel

appearing on behalf of the petitioner and Mrs. Gulnar Begum,

A.P.P. learned APP for the State.

2. The petitioner seeks regular bail in connection
with Excise P.S. Case No. 577 of 2024 registered for the offence
punishable under Sections 30 (a), 32(3), 41(1) and 41(2) of the
Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 150.48 litres of
country-made illicit liquor from a black colour Piaggio Ape
three wheeler.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely implicated
in the present case. Nothing was recovered from the conscious



possession of the petitioner. Petitioner is in custody since 14.06.2024. Other co-accused, namely, Sanjeet Kumar @ Sanjeet Kumar Sharma, has already been released on pre-arrest bail by this Court vide order dated 11.09.2024 passed in Criminal Miscellaneous No. 59367 of 2024. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the nature of allegation made in the FIR, the learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned learned Special Judge Excise-IInd, Aurangabad, Bihar in connection with Excise P.S. Case No. 577 of 2024 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

