

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75027 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

KUNDAN KUMAR Son of Vishwanath Prasad R/o vill - Pakari Bangali, P.S.
- Mahadeva, OP., Distt. - Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-03-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Siwan Muffasil (Mahadeva O.P.) Police Station Case No. 88 of 2023, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').
3. As per the First Information Report, on 25.02.2023, at 8:00 am, the informant got a secret information that one Kundan Kumar, who lives in rented room of Amir Hasan house, stores illegal liquor in his rented room and sells the same. After that, the police party arrived at the spot, at about 8:40 am and on seeing the police party, one person fled away. Upon inquiry, nearby persons told the police



party that the person who fled away was the petitioner.

Total 2.625 liters of illicit liquor has been recovered from the rented room of the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of information received by the police secretly. He further submits that there is no proof that the petitioner was residing in the rented room of Amir Hasan. He further submits that the petitioner is a resident of village-Pakari Bangali, district Siwan. He further submits that the police has not disclosed as to who disclosed the name of the petitioner and also it is not stated in the FIR that the petitioner had kept the illicit liquor in the room of the house of Amir Hasan.
5. The petitioner has two criminal antecedents.
6. After having heard learned Counsel for the parties concerned and taking into consideration the fact that a small quantity of liquor has been seized from the house of Amir Sah, a room therein was let out to the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.



8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Shri Vijay Krishn Singh Excise Court No. II, Siwan, in connection with Siwan Muffasil (Mahadeva O.P.) Police Station Case No. 88 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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