

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.874 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- MADANPUR District- Aurangabad

Kampu Kumar S/o- Upendra Yadav R/o Village - Nawa Bandh, P.S.-
Madanpur, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with G.R.
No. 1198/2023 arising out of 438 of 2023 registered for the
offences punishable under Sections 30(a), 34, 36 of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, 665 litre country made
liquor spirit was recovered from poultry farm of Arun Singh. It
is further alleged that co-accused Ajay Kumar disclosed the
name of petitioner who succeeded in fleeing away from place of
occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.



Petitioner is not owner of the poultry farm from where recovery of spirit has been made and he is not in any way connected with the alleged recovery. Petitioner was not apprehended on spot and his name has transpired in this case on basis of confessional-statement of co-accused Ajay Kumar. Except confessional statement, there is nothing on record to connect the present petitioner with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been made as per law. Petitioner is in custody since 06.11.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, petitioner was not apprehended on spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge of Excise, Aurangabad in connection with G.R. No.



1198/2023 arising out of 438 of 2023 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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