

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68098 of 2022

Arising Out of PS. Case No.-326 Year-2022 Thana- MOTIPUR District- Muzaffarpur

KUNDAN KUMAR S/o Ram Pukar R/o Village- Raksha, P.S.- Karja, Distt-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Motipur
P.S. Case No. 326 of 2022 registered for the offence under
Sections 30(a), 36, 41(i)(ii) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the prosecution
report and is in custody since 30.09.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 78.120 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of disclosure made by apprehended driver of the alleged vehicle from where alleged illicit liquor was recovered. It is submitted that said recovery was made from the vehicle, not from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Motipur P.S. Case No. 326 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No.II, Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C with further condition:

“That Accused/Petitioner



shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

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