

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23779 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Kamlesh Prasad, son of Late Gopal Prasad, resident of village Lauriya
Bazar, P.S. Lauriya, District West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-05-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
Shikarpur P.S.Case No. 46 of 2017 registered for the offences
punishable under Sections 30(a), 30(c), 38(i), 38(ii) and 41(i) of
Bihar Excise (Amendment) Act, 2016.

Allegation is of recovery of 11.220 litres of foreign
liquor from the motorcycle of the petitioner and he was arrested at
the spot.

It has been submitted on behalf of the petitioner that
nothing has been recovered from the conscious possession of the
petitioner and he has falsely been implicated and he is in custody
for three months having no criminal antecedent.

Heard learned APP also.

Having heard both sides and considering the aforesaid
facts and circumstances, let the petitioner, named above, be



released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Judge (Excise Act)-cum-Additional Sessions Judge-VI, West Champaran, Bettiah, in connection with Shikarpur P.S. Case No. 46 of 2017, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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