

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19709 of 2019**

Arising Out of PS. Case No.-92 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

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KAMLESH SINGH Son of Nageshwar Singh @ Loha Singh Resident of
Village-Maheshwara, P.S.-Naokothi, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate.
For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-04-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Naokothi P.S. Case No.
92 of 2018**, instituted for the offence under Section(s) 30(a) of
Bihar Prohibition and Excise Act.

Prayer of the petitioner for grant of bail was earlier
rejected by this Court vide order dated 20.12.2018 passed in
Cr. Misc. 76599 of 2018 with liberty to the petitioner to renew
his prayer for bail after completion of six months in custody.

Report was called for from the court below which
has been received. From the report it appears that the case is
pending for evidence. The court below has mentioned in the
report that six months time is likely to be taken in conclusion



of trial.

Counsel for the petitioner submits that petitioner is in custody since 14.9.2018.

Allegedly, on receipt of secret information that petitioner along with two other co-accused have brought illicit liquor in huge quantity and the same is still kept in the vehicle parked at the door of the petitioner, the informant along with other police personnel reached at the door of the petitioner. The informant learnt that the vehicle, in which the liquor was kept, belongs to the petitioner. It is further alleged that on search, huge quantity of foreign liquor has been recovered from the vehicle in question.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, 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 **Additional Sessions Judge II cum Special Judge, Begusarai**, in connection with **Naokothi P.S. Case No. 92 of 2018**, subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be



present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is mentioned in paragraph-3 of the bail petition that one Excise case of Naokothi P.S. Case No. 1 of 2018 is pending against the petitioner. **Petitioner will file affidavit at the time of furnishing bail bonds that he will not indulge in such type of activity in future, failing which, the bail bonds of the petitioner in the instant case will liable to be cancelled.**

(Sanjay Priya, J)

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