

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28275 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- KHANPURA District- Samastipur

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KAMLESH KUMAR @ KAMLI @ KAMLI KUMAR Son of Mahesh Mahto
Resident of Village- Bujurgdwar, P.S.- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Khanpur P.S. Case No. 09 of 2019**, instituted for the offence under Section(s) 30(a), 35(a), 41(1) and 41(2) of Bihar Prohibition and Excise Act, 2016.

The prosecution case hinges on the self-statement of the informant Arjun Prasad Singh of Khanpur Police Station, Samastipur, recorded by himself stating therein that on 16.1.2019 at about 10:45 p.m. in course of patrolling duty along with other police personnel, he received secret information that illicit liquor is being transported. On this information, he went to the place of occurrence and saw five persons standing near a pick up van and two Motorcycles were



also seen at the place of occurrence. On seeing the Police Party, the accused persons started running away, but two of them, were apprehended. They disclosed their names as Pushpak Kumar and Dipak Kumar. They also disclosed the names of persons running away from the place of occurrence as Krishnandan Ram, Bipin Kumar and Kamlesh Kumar (petitioner). On search, total 440.28 litres of foreign liquors have been recovered from the pick up van and Motorcycles.

Counsel for the petitioner submits that petitioner was already in custody on the date of occurrence i.e. on 17.1.2019 with respect to Khanpur P.S. Case No. 165 of 2018. It is mentioned in paragraph-10 of the bail petition that petitioner was in custody in Khanpur P.S. Case No. 165 of 2018 since 7.1.2019.

Petitioner is in custody in the instant case since 14.2.2019.

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 III cum Special Judge, Excise, Samastipur**, in



connection with **Khanpur P.S. Case No. 09 of 2019**, subject to
the condition that both the bailors will be the close relatives of
the petitioner.

(Sanjay Priya, J)

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