

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78935 of 2018

Arising Out of PS. Case No.-389 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Kamlesh Kumar S/o Raju Yadav R/moh-Bal Sudhar Grih Barmaliya, P.O-
Dhanbad, P.S-Dhansar, Distt.-Dhanbad(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jharkhandi Upadhyay, Adv.

For the Opposite Party/s : Mr.Sri Damodar Prasad Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 10-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Excise Case No. 389 of 2018 registered for the
offences punishable under Sections 30 (K), 56 (kh) and 16 of
Excise Act.

Allegation is recovery of 2000 liters of illicit
country made liquor from the pick-up van which was being
driven by co-accused and petitioner was sitting in the said
vehicle as a cleaner. The illicit liquor was concealed by coconut
kept over it.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been



falsely implicated in this case. Petitioner is cleaner of the said pick-up van and was not aware that illicit liquor has been concealed in the pick-up van. He has no criminal antecedent and is in custody since 25.10.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, in connection with Excise Case No. 389 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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