

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13534 of 2020

Arising Out of PS. Case No.-579 Year-2019 Thana- BARH District- Patna

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Kamlesh Rai @ Kamalesh Kumar Yadav S/o Late Subalal Ray Resident of
Village-Pachhiyari Malahi, P.S.-Barh, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 09-10-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Barh P.S. Case No. 579 of 2019, registered under section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R. on information having
been received with respect to storage and sale of liquor, a raid
was conducted but two accused persons managed to escape. It is
stated that 35 litres of country liquor was recovered from the hut
said to be belonging to the petitioner.

It is submitted by learned counsel for the petitioner
that the allegation as levelled in the F.I.R. are false and
concocted. No such recovery has taken place. In any case of the



matter the place of recovery cannot be said to be under the exclusive control of the petitioner. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner not having any criminal antecedent, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Barh P.S. Case No. 579 of 2019, he will be enlarged on bail on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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