

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29442 of 2021

Arising Out of PS. Case No.-315 Year-2020 Thana- BIHIA District- Bhojpur

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KAMLESH KUMAR YADAV Son of Rajdeo Yadav Resident of Village -
Lahang Dumaria, P.S.- Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Jagdishpur P.S. Case No.315 of 2020, Excise

Case No.1903 of 2020 registered for the offences punishable

under Section 30(A) of the Bihar Prohibition and Excise Act,

2016. He is in custody since 07.12.2020. The petitioner has got

no criminal antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story 220 liters of illicit liquor was recovered

from a tempo which was driven by this petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is a driver of the vehicle in question from which the alleged recovery was made. He submits that there is no recovery from the conscious possession of the petitioner and he is languishing in jail in connection with this case since 07.12.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 220 liters of illicit liquor was recovered from a tempo of which the petitioner is a driver, the petitioner has no criminal antecedent, he is in custody in connection with this case since 07.12.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur, Ara in connection with Jagdishpur P.S. Case No.315 of 2020, Excise Case



No.1903/2020, subject to the condition as laid down under
Section 437 (3) Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioner and in case at any stage
it is found that the petitioner has concealed his criminal
antecedent, the court below shall take step for cancellation of
bail bond of the petitioner. However, the acceptance of bail
bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

