

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39703 of 2021**

Arising Out of PS. Case No.-131 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Kamlesh Rai @ Kamlesh Kumar S/o Janakdhari Rai R/o village- Bharat
Nagar, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 20-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 31.03.2021 seeks
bail in connection with Gaighat P.S. Case No.131 of 2021 (G.R.
No.650 of 2021) registered for offence punishable under
Sections 272, 273, 414, 34 IPC and and 30(a), 36, 41(1) of
Bihar Prohibition and Excise Amendment Act, 2016.

Prosecution case in brief, is that illicit liquor of
different brand measuring 328.275 liters of were recovered from
a Bolero Jeep bearing registration no.BR06PE-2107, and
accordingly FIR was lodged against fifteen named accused, in
which petitioner's name appears at serial no.9..

Learned counsel appearing on behalf of the petitioner



submits that nothing has been recovered from the conscious possession of the petitioner, rather he was a passer-by. He further submits that petitioner is falsely been implicated in the present case and has no criminal antecedent.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case and nothing having been recovered from the conscious possession of the petitioner, it is directed that the court below after verifying the criminal antecedent of the petitioner and after being satisfy as to whether any other criminal case or excise case is pending against the petitioner and after verifying the same, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Gaighat P.S. Case No.131 of 2021 (G.R. No.650 of 2021), subject to the following 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.

(3) If the petitioner tamper 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 petitioners.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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