

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5911 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- LADANIA District- Madhubani

Sulochan Kamat, Son of Raj Narayan Kamat, Resident of Village - Aurhi,
P.S.- Aurhi, Distt.- Sirha (Nepal), At Present C/o Guleriya Devi, W/o Ram
Khelawan Kamat, Village - Donwari, P.S.- Ladaniya, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-06-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Ladaniya P.S. Case No.177 of 2020 corresponding to G.R.
No.1054 of 2020 registered for the offence punishable under
Sections 272 and 273 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2016.



504 litres Nepali wine has been recovered allegedly from the petitioner.

It is submitted that as per the prosecution case, a group of persons were smuggling the liquor in question. The fact that the petitioner is the sole apprehended accused is therefore indicative of the false implication. Having no criminal antecedents, the petitioner is in jail since 29.08.2020. Recovery is not in accordance with law nor there is any forensic opinion to support that the recovered substance is intoxicant.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the learned Additional Sessions Judge-II-Cum-Special Judge, (Excise Act), Madhubani, in connection with Ladaniya P.S. Case No.177 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as



to how he is related with the petitioner.
The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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