

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3032 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- IMAMGANJ District- Gaya

Kamlesh Bhuiyan Son Of Late Shankar Bhuiyan Resident Of Village-
Chhotka Karasan, P.S. Imamganj, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 30/30A of the Bihar
Prohibition and Excise Act.

Allegedly, 25 litres of country-made wine was
recovered and four drums containing raw material Mahua used
in the manufacturing of country made wine were also recovered
and the petitioner is alleged to be indulged in the manufacturing
of alleged recovered wine.

The main submissions advanced by learned counsel



for the petitioner are that there is criminal antecedent of one case lodged under Excise act against this petitioner in which he is on bail and the same was lodged on the basis of confessional statement of co-accused persons and in the present case only 25 liter country made wine is stated to have been recovered and the petitioner has been languishing in jail since 15.09.2021 and the investigation has been completed.

Learned APP has opposed the prayer for bail.

Having considered the above submissions as well as petitioner's custody period, let the petitioner 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 concerned Court in connection with Imamganj P.S. case No. 157 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move



for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner other than Imamgang P.S. Case No. 110/21 is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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