

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9730 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- RAJPUR District- Buxar

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BHUWAR KAMKAR S/o Surendra Kamkar @ Surendra Kahar R/o village-
Hethua, P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Rajpur
P.S. Case No. 40/2021 registered for the offences punishable
under Sections 467, 468, 469, 471, 120B/34 of the Indian Penal
Code and Sections 30(a) (d) of the Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, there is alleged recovery of
total 49 liters illicit liquor from different places. It is alleged that
co-accused who were apprehended on spot disclosed the name
of present petitioner and others.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on spot and nothing has been recovered from the conscious possession of the petitioner. The name of petitioner has surfaced on basis of confessional statement of co-accused, Shyam Narayan Sah and others. The petitioner is languishing in custody since 22.11.2021 and the petitioner bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence. Co-accused, Shyam Narayan Sah against whom recovery was made has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.37724/2021 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted, petitioner was not apprehended on spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released 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 learned Additional Sessions Judge-II nd cum Special Judge, Excise, Buxar in connection with Rajpur P.S. Case No. 40/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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