

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12735 of 2022

Arising Out of PS. Case No.-426 Year-2021 Thana- MINAPUR District- Muzaffarpur

KAMLESH YADAV @ KAMLESH KUMAR YADAV, S/o Harideo Yadav
Resident of Village- Raghunathpur, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Minapur P.S. Case No. 426 of 2021, registered for the

offences punishable under Sections 272, 273, 414, 467,

468, 420, 120 (B)/34 of the Indian Penal Code; Sections

20/22 of N.D.P.S. Act; and Sections 30(a), 33, and 36 of

Bihar Prohibition and Excise Act.

As per allegation, 40 litres of untinctured spirit; 90

empty bottles of wine; and 550 gm. of *charas* were

recovered from a car bearing Registration No. DL3CAA-

6773.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner and his name has emerged from the confessional statement of other co-accused persons, who have been arrested on the spot after recovery. He further submits that some of the accused persons have already been granted bail by a Bench of this Court *vide* order dated 25.05.2022, passed in Cr. Misc. No. 6674 of 2022 and Cr. Misc. No. 11831 of 2022.

The petitioner is in custody since 16.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of Anticipatory Bail or Regular Bail.

It has further been stated that the petitioner has been made accused in Sakri P.S. Case No. 53 of 2019.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the petitioner, above-named, is directed to be released on bail



on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise) Court No. 1, Muzaffarpur in connection with Minapur P.S. Case No. 426 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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