

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23082 of 2021

Arising Out of PS. Case No.-926 Year-2019 Thana- GOVT OFFICIAL COMP. District- East
Champaran

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1. Kamlesh Yadav @ Kamlesh Kumar @ Kamlesh Kumar Rai Son of Gajadhar Rai Resident of Village- Amwa, P.S.- Kotwa, District- East Champaran.
 2. Mukesh Yadav S/o Late Surat Rai Resident of Village- Laxmanwa, P.S.- Kotwa, Distt- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey
For the Opposite Party/s : Mr. G.N. Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

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

Learned counsel for the petitioners is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection
with Excise Case no. 926 of 2019 instituted for the offence
under Sections 30(a), 36, 41(i) of the Bihar Excise &
Prohibition Act.

Prosecution case relates to recovery of 38 boxes
containing 336.960 litres IMFL from an orchard.

Learned counsel appearing on behalf of the petitioners



has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery or with the place of occurrence. The alleged orchard belongs to co-accused Anil Ray, who has already been enlarged on bail.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Excise Case no. 926 of 2019, they will be enlarged 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 the Additional Sessions Judge-cum-Special Judge, Excise Act, East Champaran at Motihari subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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