

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24237 of 2022**

Arising Out of PS. Case No.-69 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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KAMENDRA MOHAN @ KAMENDRA MOHAN SINGH SON OF ANIL
KUMAR SINGH R/O VILLAGE- HARLOCHANPUR SUKKI, P.S.-
PATEPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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.

The petitioner seeks bail in connection with Excise

Case No. 69 of 2022 registered for the offences punishable

under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery

of 135 litres of Foreign wine (whiskey) has been recovered from

the car in question. Petitioner was arrested on spot alongwith

other co-accused.

Learned counsel for the petitioner submits that

petitioner is in custody since 08.03.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is a freelance driver by profession and usually earns his livelihood by driving the vehicle of his clients and in the instant case the owner of the said vehicle hired the petitioner to send goods to Muzaffarpur alongwith an associate of the owner of the vehicle and afterwards the petitioner was apprehended showing recovery of illicit liquor and the petitioner had no knowledge about the recovered liquor.

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 and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the 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 District and Sessions Judge-IV-cum-Special Excise Court-II, Gopalganj in connection with Excise



Case No. 69 of 2022, 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 without appropriate permission 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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