

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25947 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- ROSERA District- Samastipur

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Kamlesh Saw Son of Arjun Saw R/O Village- Mabbi, P.S.- Rosera, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudama Kumar, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Rosera

(District- Samastipur) P.S. Case No. 100 of 2021 registered for

the offence under Section 30(a) of the Bihar Prohibition and

Excise (Amendment) Act, 2016 and Amendment Act, 2018 and



Sections 272, 273 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 09.03.2022.

The allegation against the petitioner is to involve in illegal trading of illicit liquor, where 964 liters of foreign liquor was recovered from a maize field.

Learned counsel appearing on behalf of the petitioner submitted that the recovery is from open place. It is submitted name of the petitioner surfaced on the basis of secret information and further nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit liquor. It is pointed out that petitioner is involved in one another criminal case related with excise, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is from the open place.

Considering the facts and circumstances as mentioned above, as recovery is from the open place and not from the



conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rosera (District- Samastipur) P.S. Case No. 100 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court- 1, Samastipur/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by



the documents.

(iii) That one of the bailors shall be Vimal Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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