

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26672 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- PHULPARAS District- Madhubani

Sanjay Kamat Son Of Anuplal Kamat @ Anup Kamat R/O- Vill- Dihtole,
Bachhauni P.S.- Phulparas, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Phulparas P.S. Case No. 136 of 2022 under sections 30(a) of
Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that the informant
along with the police party received information that the
petitioner is selling illicit liquor from his shop at the road going
to Andhrathadi. The informant reached there and took the
petitioner into custody. Upon search, 2.520 liters of foreign
liquor kept in a plastic bag in a ditch behind the shop was
recovered/seized.



Learned counsel for the petitioner submits that the alleged recovery of 2.520 liters of foreign liquor has been made from behind the shop of the petitioner from a ditch. Despite the said recovery/seizure from a ditch, the petitioner has been implicated in this case only because of the criminal antecedent against him. He further submits that he has suffered by being in jail since 18.3.2022 (as stated in para-9 of the bail application)

Considering the aforesaid submission of the petitioner as also the nature of recovery coupled with the fact that he is in custody since 18.3.2022 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No. 136 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

