

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.40112 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- VIJAYEPUR District- Gopalganj

KAMLESH KUMAR S/O RAMBABU SINGH R/O VILLAGE-DARMAHA, P.S-KESARIYA, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 25-01-2022 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Vijaypur Police Station Case No. 85 of 2021, registered for the offences punishable under Sections 30 (a)/32 (3) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police intercepted one car and two persons sitting therein were arrested and on search of the car, a total quantity of 216 litres of illicit liquor was recovered from the same.

Learned Counsel for the petitioner submits that the



petitioner has got no criminal antecedent and he has not committed any offence in the manner alleged. He further submits that the petitioner is neither the owner nor the driver of the car in question and he was only sitting in the car as a passenger and was not aware about the illicit liquor being kept inside the car. He further submits that the petitioner is in custody since 18.04.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner is not the owner of the car, charge sheet has already been submitted and the petitioner is in custody since 18.04.2021 having no criminal antecedent and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge,



Excise, Gopalganj, in connection with Vijaypur Police Station
Case No. 85 of 2021.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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