

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38471 of 2022

Arising Out of PS. Case No.-220 Year-2018 Thana- VISHNUPAD District- Gaya

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Kamlesh Kumar Son of Loki Saw @ Lakhu Saw @ Lakho Saw, Resident of
village- Nauranga, P.s.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 Let the defect(s) if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Vishnupad P.S. Case No. 220 of 2018, lodged under Section
30(a) of the Bihar Prohibition & Excise Act, 2016.

As per prosecution case, total recovery of 1045.38 litres
of foreign liquor were alleged to be recovered from pickup van
Tata 407. In the F.I.R, the owner and driver of Tata 407 vehicle
and motorcycles, owner of mobile and 4-5 unknown persons
were made accused.

Learned counsel for the petitioner submits that petitioner
is neither owner nor driver of the vehicle either four wheeler or



two wheeler. He further submits that he was not apprehended from the spot and he is in custody since 31.01.2022, chargesheet has already filed in this case but having four criminal antecedents, out of which none of the case relating to excise matters.

Learned APP for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (rupees thirty thousand) with two sureties of the like amount each to the satisfaction of learned Excise Court No. 1, Gaya in connection with Vishnupad P.S. Case No. 220 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(A.) The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

(B.) One of the bailor shall be close relative who shall file affidavit before the Court about his relation with the petitioner.

(C.) The petitioner shall file an affidavit at the time of



furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Ranjeet/-

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