

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37852 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- RUDRAPUR District- Madhubani

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AJAY KUMAR KAMAT @ BHOLA KAMAT Son of Shiv Kumar Kamat
Resident of Village - Gajhara, P.S.- Ladania (Madhubani), District -
Madhubani (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr. Parmanand Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Ratanakar Jha, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Rudrapur P. S. Case No. 59 of 2022
registered for the offences punishable under Sections 272, 273,
379 of the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



police on a confidential information, raided the shop of one Sunil Thakur and on search, one Centro Car and two motorcycles, apart from total 465.640 litre Indian made foreign liquor was recovered. It is also alleged that five persons including the petitioner were also apprehended from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R, it is evident that the alleged recovery has been made from the shop of Sunil Thakur and so far this petitioner is concerned, his name has been implicated on account of his past criminal antecedent, though, nothing incriminating has been recovered from his conscious or constructive possession. It is next submitted that the petitioner has neither any connection with the seized vehicles nor with the recovered illicit wine and he is in custody since 22.04.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the investigation of the crime is already completed and the charge



sheet has been submitted in as much as keeping the petitioner behind the bar would serve no further purpose and moreover, there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Madhubani in connection with Rudrapur P. S. Case No. 59 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any



stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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