

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48184 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Kamlesh Kumar @ Chotu @ Chhotu Kumar Son of Tapeswar Rai @
Tapeshr Ray Resident of Village - Temhua, Hariharpur, P.s.- Pupri, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
Muzaffarpur Sadar P.S. Case No. 280 of 2022 lodged under
Sections 272, 273, 414, 34 of the I.P.C. read with Section 30(a)
of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the total recovery of 354
litres wine is the subject matter of this case.

Learned counsel for the petitioner submits that the
total recovery has been made from 2 different vehicles. Learned
counsel further submits that recovery has not been made from

the conscious possession of the petitioner. Learned counsel further submits that he is neither owner nor driver of the vehicle. Learned counsel further submits that there were 15 named persons in the F.I.R., out of which 10 persons fled away and only 5 persons were apprehended. Learned counsel for the petitioner further submits that petitioner has been apprehended by the police and he is in custody since 23.06.2022 having 3 criminal antecedent but he is on bail in all the 3 cases. Learned counsel further submits that the other similarly situated persons as like that of petitioner have been granted bail vide order dated 12.10.2022 and 30.09.2022 passed in Cr. Misc. No. 43808 of 2022 and Cr. Misc. No. 42973 of 2022 respectively by the Co-ordinate Bench of this Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this 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 Exclusive Special Excise Court No.1, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 280 of 2022, 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 bailors shall be close relative who shall file affidavit before the court about his relationship 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.)

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