

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48893 of 2022

Arising Out of PS. Case No.-143 Year-2021 Thana- KALUAHI District- Madhubani

Birendra Kumar Kamat @ Virendra Kumar Kamat Son of Late Budur Kamat,
R/o Village- Mehse, P.S.- Lalmaniya, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

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

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
Kaluahi P.S. Case No. 143 of 2021, lodged under Sections 272,
273 & 34 of Indian Penal Code read with Sections 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the total recovery of 1755
liters of wine is the subject matter relating to the present case.

Learned counsel for the petitioner submits that
petitioner and one other co-accused person have been arrested
from the place of occurrence. He further submits that petitioner
is in custody since 18.09.2021 but he also submits that

antecedent of petitioner is clean and under a conspiracy he was arrested. Learned counsel further submits that the other co-accused person who was apprehended from the place of occurrence has been granted bail by the Co-ordinate Bench of this Court vide order dated 02.06.2022 passed in Cr. Misc. No. 67490 of 2021.

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.50,000/- (Rupees Fifty thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise Act, District Madhubani in connection with Kaluahi P.S. Case No. 143 of 2021, 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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