

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51785 of 2022**

Arising Out of PS. Case No.-76 Year-2022 Thana- LADANIA District- Madhubani

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BHOLA KAMAT @ AJAY KAMAT SON OF SHIBU KAMAT @ SHIV  
KUMAR KAMAT RESIDENT OF VILLAGE- GAJHARA, P.S.  
LADANIYA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      30-09-2022                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with  
Ladaniya P.S. Case No. 76 of 2022 corresponding to G.R. No.  
456 of 2022 registered for the offences punishable under Section  
272, 273/34 of the Indian Penal Code and Section 30(a) of the  
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery  
of total 1841.41 litre Nepali liquor from ditch near the Bamboo  
orchard and there is allegation against the petitioner and others  
that they were involved in business of illicit liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 19.07.2022. Petitioner bears criminal antecedent of five cases of similar nature. He further submits that nothing has been recovered from the possession of the petitioner and he has been falsely implicated in this case due to local politics. Petitioner is not apprehended on the spot. Nothing incriminating article or illicit wine has been recovered from the conscious possession or premises of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 76 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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