

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56444 of 2022

Arising Out of PS. Case No.-48 Year-2019 Thana- PATEPUR District- Vaishali

Kamlesh Kumar @ Kamlesh Kumar Sahni, Son of Ram Sagar Sahni, R/V-
Chandauli, P.S- Ujiyarpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Aprajita, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Patepur P.S. Case No. 48 of 2019 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, police chased a vehicle but
its driver fled away and from this vehicle 185.400 litres of India
made foreign liquor was recovered. The petitioner is stated to be
the owner of the said vehicle.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been implicated in this case on the basis that he is the owner of the vehicle in question but he has no concern with the allegedly recovered illicit liquor. The car was being driven by the co-accused driver and the petitioner has no knowledge that liquor was kept in the said car. The petitioner is in custody since 12.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner as well as submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-2nd-cum- Additional District and Sessions Judge, Hajipur at Vaishali in connection with Patepur P.S. Case No. 48



of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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