

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60160 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- LADANIA District- Madhubani

Ajay Kumar Kamat @ Bhola Kamat @ Bhola @ Ajay 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

Appearance :

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

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Ladaniya P.S. Case No. 184 of 2021 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received a tip off about transportation of illicit liquor in four wheelers and motorcycles. When the raid was conducted two persons were apprehended and other co-accused persons fled away from the spot. From these vehicles recovery of 225 litres of Nepali country made liquor was made. The apprehended co-accused



persons disclosed the name of the petitioner for being involved in the illicit trade of liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the seized vehicles or the illicit liquor. The petitioner is in custody since 12.09.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and accused in a number of cases of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and further considering the period of custody of the petitioner along with 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 184



of 2021, 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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