

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71141 of 2021**

Arising Out of PS. Case No.-307 Year-2021 Thana- TAJPUR District- Samastipur

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KAMLESH KUMAR RAI @ KAMLESH KUMAR @ PREM KUMAR @
PURKI S/o Late Ram Dev Rai @ Nanki Rai R/o village- Chandauli,
Bankurwa, P.S.- Tajpur (Waini O.P.), Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 18-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on a raid being conducted, 167.73 litres of liquor was recovered from the house of the accused, however the accused persons ie the petitioner and his wife managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the possession or house of the petitioner. The petitioner has been falsely implicated in the case for oblique reasons. He has no criminal antecedent and is in custody since 20.8.2021.



Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the petitioner not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Tajpur (Waini O.P.) P.S. Case no.307 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Samastipur.

It is directed that the learned court below shall call for a report with respect to antecedent of the petitioner from the local police station and the Superintendent of Police concerned and if it is found that the petitioner has any criminal antecedent, the bail bond of the petitioner shall be cancelled and he shall be taken into custody.

It is further clarified that the release of the petitioner pursuant to the instant order of bail shall not be delayed awaiting the report and the petitioner shall immediately be released from custody.

(Partha Sarthy, J)

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