

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20500 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Kamlesh Ray @ Kamlesh Kumar @ Kamlesh Kumar Ray Son of Late Prabhu
Rai Resident of Village- Morba Rai Toli, Ps- Tajpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Excise
P.S. Case No. 107 of 2023, registered for the offences
punishable under Sections 30(a) and 37 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per allegation, total 750 Ml Indian Made Foreign
Liquor was recovered from the petitioner and he was also
found in inebriated condition.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered



from the conscious physical possession of the petitioner. He also submits that maliciously the petitioner has been roped in the present case.

He further submits that the petitioner has been languishing in jail since 13.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner is also involved in three other cases of similar nature of offence.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-2, Samastipur, in connection with Excise P.S. Case No. 107 of 2023, on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the



petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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