

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36315 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- MUSRIGHRARI District- Samastipur

Kamlesh Kumar @ Kamlesh Rai Son Of Late Prabhu Rai Vill Morwa Rai
Toli Ps Tajpur Distt Samastipur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Musarigharari P.S. Case No. 157 of 2022 registered for the
offence under Sections 467, 468, 471, 420, 34 of the Indian
Penal Code and Sections 30(a), 32, 36, 41 of the Bihar
Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.03.2023.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 874.44 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that petitioner not apprehended on the spot and his name appears in this case on the basis of disclosure made by co-accused, namely, Umesh Sah. It is submitted that no illicit liquor appears to be recovered from the physical possession of this petitioner. It is pointed out that petitioner implicated with present case only due to suspicion arises out of his criminal antecedents as he found involved in five similar nature of cases, where he is on bail. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as petitioner not apprehended on the spot suggesting that no recovery of illicit liquor made from his physical possession, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.03.2023, accordingly,



petitioner above named, is directed to be released on bail in connection with Musarigharari P.S. Case No. 157 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No. 1, Samastipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors shall be
deponent of the present bail petition.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

