

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37204 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- RAHIKA District- Madhubani

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KAMLESH CHAUDHARY SON OF RAMCHALITRA CHAUDHARY
RESIDENT OF VILLAGE- DUMARI (WEST TOL), PS- RAHIKA
DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Rahika
P.S. Case No. 07 of 2023, G.R. No. 101/2023 registered for the
offences punishable under Sections 272, 273, 34 of the Indian
Penal Code and under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 71.1 liters illicit nepali liquor from the Dalan of the
petitioner. Petitioner is not apprehended on spot. Local people
disclosed the name of present petitioner and others who fled
away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 31.03.2023. Petitioner bears two criminal antecedents of similar nature. Learned counsel further submits that the petitioner is not apprehended on spot. Petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel further submits that co-accused Laxmi Devi has already been granted bail vide Cr. Misc. No. 20994 of 2023 by a co-ordinate bench of this Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, argument advanced on behalf of the parties, co-accused has already been granted bail and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 Rahika P.S. Case No. 07 of 2023, G.R. No.



101/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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