

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37314 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- LAUKAHA District- Madhubani

MANOJ KUMAR KAMAT Son of Uttim Lal Kamat @ Uttam Lal Kamat
Resident of village - Mehse, P.S. - Lalmaniya (O.P.), Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

Mr. Ravi Prakash

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Laukaha (Lalmaniya) P.S. Case No. 72 of 2023, G.R. No.
25/2023 registered for the offences punishable under Sections
272, 273 of the I.P.C., Section 30(a) of the Bihar Prohibition and
Excise Act, 2018, Sections 8, 20(b) (ii) (b) of N.D.P.S. Act.

As per prosecution case, there is alleged recovery
of 3.700 kg ganja and 4.50 litre nepali liquor from possession of
present petitioner and co-accused Indar Ram and they were
apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence and he



has falsely been implicated in this case. Petitioner is in custody since 23.03.2023 and bears no criminal antecedent. He further submits that alleged recovery of 3.70 kg ganja is more than small quantity and less than commercial quantity. Basically nothing has been recovered from conscious possession of the petitioner.

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, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhubani in connection with Laukaha (Lalmaniya) P.S. Case No. 72 of 2023, G.R. No. 25/2023, 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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