

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45287 of 2023**

Arising Out of PS. Case No.-53 Year-2023 Thana- NALANDA District- Nalanda

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KAMLESH KUMAR @ KAMLESH PRASAD S/O LATE TEJU MAHTO
R/O Village- Sarlichak, P.S- Nalanda, Distt.- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Nalanda P.S. Case No. 53 of 2023 for the offence registered under section 30(a)(c)(d) of the Bihar Prohibition and Excise (Amendment) Act lodged on 24.02.2023 by the informant, Prabhakar Pandey.

As per the prosecution story, the police searched the house of the petitioner and 50 litres of '*molasses*' was/were recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that the alleged recovery is from a joint house and further only to implicate him, the case has been planted.

The last submission is that he do not have criminal



antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the allegation that recovery is from the joint house and he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of 4th Additional District and Sessions Judge, cum Special Judge, Excise 2nd, Nalanda in connection with Nalanda P.S. Case No. 53 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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