

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54783 of 2023

Arising Out of PS. Case No.-436 Year-2023 Thana- FATEHPUR District- Gaya

Kamlesh Kumar Son Of Bal Mukund Yadav @ Balmukund Prasad Resident
Of Village Purni Bathan Ps Fatehpur District Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Mohan Das, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Fatehpur P.S. Case No.436 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 17.06.2023 by the informant Ravikant Kumar.

As per the prosecution story, the police upon secret information intercepted number of motorcycles, so far as the petitioner is concerned, from him 10 liters 'Mahua' recovered/seized, from other motorcycles also there was recovery. Altogether, 810 liters 'Mahua' recovered / seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has been implicated in this case despite the fact that he do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Taking into account the fact that he has remained in



custody since 10.06.2023, do not have criminal antecedent, FIR lodged will be facing the trial and recovery is 10 liters 'Mahua', this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Fatehpur P.S. Case No.436 of 2023 to the satisfaction of learned Exclusive Excise Court No.1, Gaya, subject to following conditions:

(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 fortnight for next six months 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.

(Rajiv Roy, J)

Prakash Narayan

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