

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60878 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- KISHANPUR District- Supaul

1. Sikandar Kamat @ Satyendra Kamat son of Late Bindeshwar Kamat @ Khattar Kamat Village- Tulapatti Ward no-3, Ps- Kishanpur Dist- Supaul
2. Abhishek Kamat @ Abhishek kumar son of Manoj Kamat Village- Tulapatti Ward no-3, Ps- Kishanpur Dist- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with S.T. Excise Case No. 484 of 2023, dated 28.04.2023, arising out of Kishanpur P.S. Case No. 104 of 2023, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The case of prosecution, in short, is that 324 litres Dilwale Sofi Nepali Desi Wine was recovered from the mango orchard situated near the house of the petitioner no. 1. It is also alleged that the Police also recovered 288 liters Dilwale Sofi



Nepali Wine behind the house of Manoj Kamat. The Police also recovered 107.40 liters Dilwale Sofi Nepali Desi Wine from the side of Tower situated near the house of petitioner no.1.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. It is further submitted that as per the prosecution case total 431.4 litres Dilwale Sofi Nepali Desi Wine was alleged to be recovered from the Mango orchard situated behind the house of petitioners as well as near tower of the village, 288 litres Dilwale Sofi Nepali Desi Wine was recovered from the bush situated behind the house of Manoj Kamat, father of petitioner no. 2. It is also submitted that the alleged liquor was recovered from the abandoned places, as the place from where alleged liquor was seized not belongs to the petitioners. Nothing has been recovered from the house of the petitioners. Petitioners have no concern with the seized articles. Petitioner no.1 has one case and petitioner no.2 has no criminal antecedent

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail to the petitioners.

6. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, let the above named petitioners, be released on bail, in the event



of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Exclusive Special Judge Excise, Court No. 1, Supaul in connection with S.T. Excise Case No. 484 of 2023, arising out of Sishanpur P.S. Case No. 104 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as subject to further following conditions:-

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court Below.

(ii) One of the bailors will be their own blood relation, preferably father, mother, brother, sister and/or their wife.

(iii) The bailor shall also state on affidavit that he will inform the Court concerned, if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the Court Below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv). The petitioners shall appear before the Police



Station of their local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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