

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61231 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- BABUBARHI District- Madhubani

Nage Kamat son of Garbhu Kamat Village- Ekhari Virndavan Ps- Ladaniya
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
		Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 25.07.2023 in connection with Babubarhi P.S. Case No. 237 of 2023, F.I.R. dated 25.07.2023 for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a), 41 of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 1,097.64 liters of illicit liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the conscious possession of the



petitioner rather the recovery has been made from the motorcycle and Bolero vehicle in question. He further submits that as per the allegation in the F.I.R, the petitioner was apprehended along with the motorcycle in question and altogether 17.6 liters of liquor has been recovered from the motorcycle and 1080 liters of liquor has been recovered from the Bolero vehicle in question. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that it has come during investigation that the petitioner is the owner of the motorcycle in question and the petitioner is in custody since 25.07.2023.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the motorcycle in question which belongs to the petitioner.

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II cum Special Judge Excise Act, Madhubani in connection with Babubarhi P.S. Case No. 237 of 2023, subject to the following



conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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