

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62147 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Kamlesh Kumar @ Bittu S/O Asho Singh @ Ashok Singh R/O Village-
Manjaur, P.S- Warishaliganj, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.08.2023 in connection with Sheikhopur Sarai P.S. Case No.
150 of 2023, F.I.R. dated 04.08.2023 for the offences punishable
under Sections 30(a), 41, 32(ii) of Bihar Prohibition and Excise
Act.

3. According to prosecution case, there has been
recovery of 165.750 liters of foreign liquor recovered from the
vehicle. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that from perusal of the FIR
and seizure list that altogether 165.750 liters of foreign liquor



has recovered from the vehicle in question and nothing has been recovered from the conscious possession of the petitioner and petitioner is driver of the vehicle in question and he has no concern at all with the alleged recovery of the illicit liquor. The petitioner is in custody since 05.08.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, but fairly submits on the basis of paragraph-3 of the petition in which the petitioner is on bail.

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Excise Judge, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 150 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)

Prakash Narayan

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