

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68647 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- NEMDARGANJ District- Nawada

Kamlesh Kumar Alias Kamlesh Yadav, Son of Hari Prasad Yadav @ Hari Prasad, Resident Of Village Nandelal Bigha, PS Nemdarganj, District Nawada. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Nemdarganj P.S. Case No. 207 of 2023 registered for the offences punishable under Sections 30(a), 30(d)/41 of the Bihar Prohibition and Excise Act, 2016. He has got no criminal antecedent.

3. As per the prosecution story, on 27.07.2023 the informant received a secret information that five wine furnances are being operated in a farm situated near garden in village Nandlal Bigha and are being operated by Krishan Murari Yadav, Vishun Yadav, Sujit Kumar, Chandradeep Yadav, Anandi Yadav, Sudhi Yadav, Guddu Yadav, Sonu Kumar, Kamlesh Kumar and Ravindra Yadav @ Budhwa. On this information the informant along with other police officials reached at the said place and on



search, Mahua Solution, half made wine in aluminum utensils, wine making equipment and country-made liquor were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the allegedly recovered articles and the illicit liquor.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the fact that the alleged illicit liquor has been recovered from an open area away from the village and the petitioner is not in possession of the said place, he has otherwise no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Nemdarganj P.S. Case No. 207 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Nawada, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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