

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74913 of 2023

Arising Out of PS. Case No.-1867 Year-2023 Thana- Excise P.S. District- East Champaran

Kamlesh Kumar Son Of Ramchandra Mahto Resident Of Village- Chailaha
Dhangar Toli, P.S.- Banjariya, District- East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar Banjariya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Excise P.S. Case No. 1867 of 2023 dated 06.09.2023 lodged
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, the total recovery of 75
liter wine has alleged to be made, which is subject matter of the
present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the recovery of total 50 liter excise material has
alleged from the possession of the petitioner. He submits that
the said excise material has been implanted against him and he
has been unnecessarily been made accused in this case.



5. Counsel for the petitioner submits that petitioner is in custody since 07.09.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special, Excise Court No.2, East Champaran, Motihari, in connection with Excise P.S. Case No. 1867 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J.)

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