

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80174 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- KISHANPUR District- Supaul

ADARSH KUMAR @ AMAR KUMAR @ AMAR KAMAT SON OF
SATENDRA PRASAD KAMAT @ SIKENDAR KAMAT @ SIKANDAR
KAMAT R/O TULAPATTI, WARD NO. 03, P.S.- KISHANPUR, DIST.-
SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No. 898 of 2023 arising out of Kishanpur P.S. Case No. 179 of
2023 registered for the offences punishable under Section 30(a)
of the Bihar Prohibition and Excise (Amended) Act, 2018.

3. As per prosecution case, 164.160 litre foreign
liquor was recovered from the Scropio vehicle in question.
Apprehended co-accused Ram Kumar Yadav disclosed the name
of the petitioner who succeeded in fleeing away from the place
of occurrence and he also disclosed that the alleged liquor was
being brought from the house of the petitioner. Apprehended co-
accused further disclosed that he himself was owner cum driver



of the said vehicle in question.

4. Learned counsel for the petitioner submits that except disclosure of the co-accused Ram Kumar Yadav, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that though it is not specifically mentioned in bail petition that petitioner is not the owner of the vehicle in question but he has orally submitted that petitioner has no concern with the said vehicle in question. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 21.08.2023. Petitioner bears criminal antecedent of three cases as mentioned in para 3 of the bail petition and he further submits through supplementary affidavit that he bears criminal antecedent of two cases. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is innocent and has committed no offence as alleged against him in F.I.R.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both



sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court no. 1, Supaul in connection with S.T. No. 898 of 2023 arising out of Kishanpur P.S. Case No. 179 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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