

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28410 of 2024**

Arising Out of PS. Case No.-132 Year-2023 Thana- MORKAHI District- Khagaria

Kamdev Kumar @ Virendra Kumar @ Kamdev Singh S/O Kapil Dev Singh
R/O Village- Bari Pasraha, P.S- Pasraha, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Morkahi P.S. Case No. 132 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered total 205 liters English wine from the trailer of a Tractor bearing Regd. No. BR34G-2683.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case



due to suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the seized liquor has been recovered from the possession of co-accused Gautam Kumar and Adarsh Kumar. No independent witness has stated about the presence of the petitioner at the spot. The petitioner has no concern with the alleged Tractor or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. Charge-sheet has been submitted in this case. The petitioner has one criminal antecedent in which he is on bail.

5. Learned counsel for the petitioner further submits that the co-accused Gautam Kumar has been granted regular bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 5100 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Morkahi P.S. Case No. 132 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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