

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28423 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- CHACKMEHSI District- Samastipur

Kamal Deo Rai @ Kamal Dev Rai Son of Late Parameshwar Ray @
Permashwar Rai Resident of Village- Masum Nagar, Ward No. 13, P.S.-
Chakmehsi, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Khushi Awadh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2024 Heard Ms. Khushi Awadh, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Chakmehsi P.S. Case No. 39 of 2024 for the offence punishable
under sections 30(a) of the Bihar Prohibition and Excise Act
lodged on 19.03.2024 by the informant, Shekhar Suman.

3. As per the prosecution story, the informant alleged
that on information that petitioner alongwith his sons are
carrying wine in four wheeler/two wheeler, the same was
intercepted and 342 liters of foreign liquor recovered/seized
from the Bolero vehicle which followed the FIR.

4. Learned counsel for the petitioner submits that
though the Bolero vehicle belongs to him it was being plied on



rent and he had nothing to do with it. Further, only because he has criminal antecedent and due to enmity, got implicated and the last submission is that the petitioner is in custody since 20.03.2024 (paragraph-4 of the petition).

5. Learned APP opposes the prayer for bail submitting that he is the owner of the vehicle.

6. Taking into account the submission put forward by the learned counsel for the petitioner as also he is in custody since 20.03.2024, will be facing the trial and the charge-sheet has been submitted, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1st, Samastipur, in connection with Chakmehsi P.S. Case No. 39 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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