

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35488 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- PARANDABAR District- Nawada

Kamlesh Yadav @ Kamlesh @ Bhatpelan Son of Dwarika Yadav Resident of village - Karmatand, Police Station - Parnadabar, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Parnadabar P.S. Case No. 64 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

03. As per prosecution case, police received information about petitioner storing illicit liquor and selling the same. The raid was conducted at the identified place and a person fled away from the spot who is stated to be this petitioner and recovery of 20 litre country made liquor was made from the said spot.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No recovery has been made from the conscious possession of this

petitioner. From the F.I.R. itself it is evident that recovery of illicit liquor was made near upon tree and the said place does not belong to this petitioner. The seizure has not been made in terms of provisions of Section 100 of the Code of Criminal Procedure. Petitioner has got not criminal antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that recovery of 20 litre of country made liquor has been shown from a place and petitioner is stated to be the person who has stored liquor.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court-1, Nawada in connection with Parnadabar P.S. Case No. 64 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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