

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40651 of 2024**

Arising Out of PS. Case No.-28 Year-2024 Thana- MADHWAPUR District- Madhubani

Kamlesh Sah S/O Late Ram Prasad Sah R/O Village- Pirokhar Kayasth Tola,  
Ward No. 7, P.S- Madhwapur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Surendra Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      10-06-2024                      Heard learned counsel appearing on behalf of  
  
the petitioner and learned counsel appearing on behalf of  
  
the State.

2. The petitioner seeks bail in connection with  
  
Madhwapur P.S. Case No. 28 of 2024 registered for the  
  
offence under Sections 272, 273, 34 of the I.P.C. and  
  
section 30(a) of the Bihar Prohibition and Excise Act,  
  
2018.

3. The petitioner is named in the F.I.R. and is  
  
in custody since 18.04.2024.

4. The allegation against the petitioner is to be  
  
involved in illegal trading of illicit liquor, where, there is



recovery of 72.5 litres of illicit *nepali* liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit *nepali* liquor as per the seizure list is made from the open field area i.e., orchard of Palm, which is accessible by general public. It is also submitted that the name of the petitioner appears to be involved in present case on the basis of suspicion raised by local chawkidaar for the reason that the petitioner was involved in seven more criminal cases of similar nature.

6. Learned APP, opposes the prayer of bail.

7. In view of the facts and circumstances as mentioned above, and the fact that the alleged illicit liquor appears to be recovered from an open place which is accessible by general public and the petitioner is in custody since 18.04.2024, let the petitioner, above named, is directed to be released on bail in connection with Madhwapur P.S. Case No. 28 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground



of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

Sudha/-

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