

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49493 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- BHORE District- Gopalganj

Kameshwar Prasad S/o Bhagwan Mahto R/o Village-Dighwara, P.S.-
Dighwara, District-Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for bail in a case
registered for the offence punishable under section 414 of
the Indian Penal Code and Sections 30(a), 41(i) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 211.76 litres
of Indian Made Foreign Liquor from a safari car bearing Reg.
No. BR-01PA-3701. Petitioner along with driver of the
aforesaid vehicle was apprehended on the spot.

Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has



committed no offence. He has no concern with the alleged recovery or with the vehicle in question. Nothing incriminating article has been recovered from his conscious possession of the petitioner. There is no independent witness of the alleged seizure. Moreover, he is languishing in judicial custody since 06.04.2024. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise I, Gopalganj in connection with Bhore P.S. Case No. 82 of 2024, subject to the following conditions:-

1. 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.

2. If the petitioner threatens the informant or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. If the petitioner repeat the offences of similar nature, as alleged in the present case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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