

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45067 of 2024**

Arising Out of PS. Case No.-383 Year-2022 Thana- RAJNAGAR District- Madhubani

Kamlesh Yadav, aged about 39 years, Male, S/O Harideo Yadav @ Hari Yadav, R/O Vill- Raghunathpur, P.S. Pandaul Distt- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dhananjay Kumar Tiwary, Advocate

For the Opposite Party : Mr. Atul Chandra, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Rajnagar P.S. Case No. 383 of 2022 dated 14.12.2022 (G.R. No. 2484 of 2022) registered for the offences punishable u/ss 272 and 273 read with Section 34 of the I.P.C. and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 3770.94 litres of illicit foreign liquor was recovered from the truck and different vehicles. The petitioner and the co-accused persons tried to flee away but they were apprehended.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the owner of the said vehicle but he has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The co-accused person has



already been granted regular bail by this Court vide order dated 25.05.2023 passed in Criminal Miscellaneous No. 34382 of 2023. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 06.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with G.R. No. 2484 of 2022, arising out of Rajnagar P.S. Case No. 383 of 2022 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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