

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50703 of 2024**

Arising Out of PS. Case No.-264 Year-2023 Thana- KHANPURA District- Samastipur

Kamlu Sah @ Kamalu Sah, Son of Late Ramlakhan Sah @ Late Ram  
Khelawan Sah, R/o Village- Madhutol, P.S.- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. M.K. Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      24-07-2024                      Heard Mahendra Pratap, learned Advocate appearing  
on behalf of the petitioner and Mr. M.K. Nirala, learned  
Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner  
who is in custody in connection with Khanpur P.S. Case No. 264  
of 2023 registered for the offence punishable under Sections  
30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Based upon the written report the prosecution  
alleges that the police on a confidential information raided the  
house of the petitioner and on search total 19.500 litres of indian  
made foreign liquor is recovered.

4. Learned Advocate appearing on behalf of the  
petitioner contended that the alleged recovery has been made  
from a joint family house where several persons reside and, as



such, the petitioner cannot be made solely responsible for that. It is further contended that there is other discrepancies in the search and seizure coupled with the fact that the petitioner is a man of fair antecedent and now he is in custody since 03.06.2024. The petitioner undertakes that he will fully cooperate in the investigation of the crime and in the proceeding of the Court.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Court of Learned Special Judge Excise-I Samastipur in connection with Khanpur P.S. Case No. 264 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

supratim/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

