

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54355 of 2024

Arising Out of PS. Case No.-436 Year-2024 Thana- Excise P.S. District- Aurangabad

Kamlesh Kumar Kushwaha @ Kamlesh Kumar Kushawahi S/o- Late
Narayan Mahto Village- Sinduwar Tola Ramgadh Ps- Mohanpur Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in Aurangabad Excise P.S. case No. 436 of 2024 registered under Sections 30(a), 30(c), 30(d), 32(3), 36, 41(i) and 41(2) of the Bihar Prohibition and Excise Act.

3. The prosecution allegation, in short, is that 105 liters spirit and 170.280 liters liquor have been recovered from a Karkat house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has got no criminal antecedent. The petitioner is not named in the F.I.R. The name of the



petitioner has transpired as being owner of the car in question from which recovery has been made. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no knowledge and concern with the alleged recovery of liquor. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Aurangabad Excise P.S. case No. 436 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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