

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65851 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- BASOPATTI District- Madhubani

Prem Kumar @ Bharat Kamat @ Ganeshi Kamat @ Ganesh Kamat Son of
Ram Narayan Kamat @ Banai Kamat Resident of Village - Patauna P.S.-
Basopatti, District Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Basopatti P.S. Case No.
04 of 2024, G.R. No. 11 of 2024, instituted for the offences
punishable under Sections 272, 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 108 liters
liquor was recovered from one motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel
for the petitioner also submits that the petitioner is neither



owner nor rider of the motorcycle in question. The petitioner was not arrested on spot. Name of the petitioner has transpired on the basis of confessional statement of co-accused Rohit Paswan and the same has got no evidentiary value. The petitioner is in custody since 29.06.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 06.03.2024 passed in Cr. Misc. No. 16467 of 2024. There is no compliance of Section 100 of Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Basopatti P.S. Case No. 04 of 2024, G.R. No. 11 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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