

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76765 of 2024

Arising Out of PS. Case No.-174 Year-2023 Thana- GUTHANI District- Siwan

Kamlesh Kumar Yadav @ Kamlesh Yadav S/o- Gupta Nand Yadav Resident
of vill- Chheriha Tola Bariyana PS- Bankata Dist- Deoria (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-10-2024 Heard Mrs. Kumari Anupam, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Guthni P.S. Case No. 174 of 2023 for the offence punishable
under sections 30(a) of the Bihar Prohibition and Excise Act,
2022 lodged on 14.06.2023 by the informant, Rakesh Kumar
Singh.

3. As per the prosecution story, the informant alleged
that upon secret information, the white Safari car was
intercepted and the recovery/seizure is of 381.600 liter foreign
liquor. Those present in the vehicle included Jari Singh @Ajit
Singh and Kamlesh Yadav (this petitioner). Accordingly, the
FIR, arrest.

4. It is the case of the petitioner that he does not own
the car, was a mere passenger and only because of criminal
antecedent, implicated. He is in custody since 03.09.2024 (para



11 of the petition) and the last submission is that he intends to contribute Rs.15,000/- to the District Legal Services Authority, Siwan for the purchase of Benches for the Civil Court Campus of Siwan Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that the recovery is from the vehicle and the petitioner was one of the occupant.

6. Considering the aforesaid submissions put forward by the parties as also the fact that the petitioner does not own the vehicle and nothing has been recovered from his conscious possession, is in custody since 03.09.2024, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Siwan for the purchase of Benches for the Civil Court Campus of Siwan Judgeship through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Excise Court 1st, Siwan in connection with Guthni P.S. Case No. 174 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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