

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77631 of 2024

Arising Out of PS. Case No.-329 Year-2024 Thana- RAMGARH District- Kaimur (Bhabua)

Kamlesh Yadav @ Munnu Yadav @ Munna Yadav S/o Anil Kumar Yadav R/o
vill - Bandhwa, P.s. - Kotwal - Gazipur, Distt.- Gazipur, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Ramgarh (Nuaon) P.S. Case No. 329 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Section 317(4) of the B.N.S. Act lodged on 25.09.2024 by the informant, Ashutosh Kumar.

3. As per the prosecution story, the Police upon patrolling duty intercepted a Scorpio car and upon search, 423.11 liters of foreign liquor was/were recovered. The petitioner being the driver was taken into custody. This led to the FIR.

4. Learned counsel for the petitioner submits that he was carrying material little realizing that it has liquor present in it. He is a young person having no criminal antecedent and has already suffered by being in custody since 25.09.2024 (paragraph-12 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District



Legal Services Authority, Kaimur for the fixation of Benches for the Civil Court Campus of Kaimur (Bhabua) 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 he being the driver cannot exonerate himself from the responsibility.

6. Taking into account the submissions put forwarded by the parties as also the fact that the recovery/seizure is from the Scorpio and not from his conscious possession, is in custody since 25.09.2024, do not have any criminal antecedent, FIR lodged and he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Kaimur for the purchase of Benches for the Civil Court Campus of Kaimur (Bhabua) 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 Court of Spl. Judge, Ex-I, Kaimur at Bhabua, in connection with Ramgarh (Nuaon) P.S. Case No. 329 of 2024 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 six months 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)

Adnan/-

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