

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82214 of 2023

Arising Out of PS. Case No.-186 Year-2023 Thana- KISHANPUR District- Supaul

Adarsh Kumar @ Amar Kumar @ Amar Kamat Son Of Satendra Prasad
Kamat @ Sikendar Kamat @ Sikandar Kamat R/O Tulapatti, Ward No. 03,
P.S. - Kishanpur, Dist. Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T.
No. 922 of 2023 arising out of Kishanpur P.S. Case No. 186 of
2023 registered for the offences punishable under Sections 30(a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, 10.11 litre illicit wine was
recovered from a bush at the back portion of the house of
petitioner and petitioner apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.
Basically nothing has been recovered from conscious possession



of the petitioner. It is further submitted that the alleged recovery has been made from an open place which is accessible to all. Petitioner is not in any way connected with the alleged occurrence. It is further submitted that petitioner is in custody since 09.08.2023. Learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel at para 3 of the bail petition submitted that petitioner bears criminal antecedent of three cases and through supplementary affidavit he submitted that petitioner bears two more criminal antecedents, as such petitioner bears five criminal antecedents.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court No. 1, Supaul in connection with S.T. No. 922 of 2023 arising out of Kishanpur P.S. Case No. 186 of 2023, subject to the following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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