

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5382 of 2025

Arising Out of PS. Case No.-725 Year-2024 Thana- BIKRAMGANJ District- Rohtas

1. Kamlesh Singh @ Kamlesh Kumar S/O Dinanath Yadav, R/o Village- Dihra, P.S.- Bikramganj, District- Rohtas at Sasaram
2. Munna Singh S/o Dinanath Yadav, R/o Village- Dihra, P.S.- Bikramganj, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Riya Singh, Advocate
For the State	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2025 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Bikramganj P.S. Case No.- 725 of 2024 dated 15.12.2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per allegation, 25 litre country made liquor has been recovered from open field of the village-Dihra.

4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the recovery has been made from



an open space and no recovery has been made from the house or conscious possession of the petitioners. Hence, no *prima facie* case is made out against the petitioners and they are entitled to release on bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner no. 1 has no criminal antecedent and petitioner no.2 has one criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram, in connection with Bikramganj PS. Case No.- 725 of 2024, subject to the conditions as laid down under Section 438



(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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