

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9290 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- RAJNAGAR District- Madhubani

Sunil Kamat S/o Heera Lal Kamat @ Hiralal Kamat R/o Village- Mangrauni
Tole Ushrahi, Ward No. 14, P.S.- Rajnagar, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kusum Rani, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Rajnagar PS Case No.351 of 2024 dated 07.09.2024, instituted
under Sections 274 and 275 of Bharatiya Nyay Sanhita and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 270 litres of
Nepali country made *Gaurav Saufi* liquor from an orchard.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. The petitioner has been made an accused solely on the
basis of suspicion and alleged disclosures made by the local
people of the vicinity. It is further submitted that no contraband
has been recovered from the conscious possession of the



petitioner or from his house rather the alleged seized illicit liquor was recovered from an orchard that does not belong to the petitioner. It is further submitted that the petitioner has been implicated in the instant case merely on the basis of his past criminal antecedents. Lastly, it is submitted that five other criminal cases of a similar nature are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani, in Rajnagar PS Case No.351 of 2024, G.R. No. 1273 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973/482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason,



his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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, and (v) that the petitioner will appear before the SHO of concerned PS every fortnightly to mark his attendance till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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