

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10605 of 2025

Arising Out of PS. Case No.-43 Year-2024 Thana- BENIPATTI District- Madhubani

Raushan Kamat, Male, aged about 30 years, S/o- Rajendra Kamat, R/o-
Tisiyahi, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Benipatti PS Case No.43 of 2024 dated 2302.2024, instituted
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2022.

3. The allegation is of recovery of 72 litres Nepali
liquor from *Babagachi* situated in village *Tisiyahi*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Further submission is that nothing has been recovered
from the conscious possession of the petitioner. The petitioner
was not arrested at the spot. The petitioner has been made
accused only on the basis of disclosure made by the local people



of the area. Lastly, it is submitted that the petitioner has criminal antecedents of two cases of similar nature.

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 District Judge-II cum Special Judge, Excise Act, Madhubani, in Benipatti PS Case No.43 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik 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, and (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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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