

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27555 of 2025

Arising Out of PS. Case No.-585 Year-2022 Thana- RAJAOLI District- Nawada

Kamlesh Rajbanshi S/o Late Alakhdeo Rajbanshi R/o Village- Jobkala, P.S.-
Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2025 Heard Mr. Sheo Nandan Prasad, learned counsel for
the petitioner and Dr. Indihar Kumari, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
07.02.2025, in connection with Rajauli P.S. Case No. 585 of 2022,
F.I.R. dated 27.10.2022 registered for the offences punishable
under Sections 30(a)(D) of the Bihar Prohibition and Excise Act,
2016.

3. Recovery is of 60 litres of illicit country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not
committed any offence as alleged in the F.I.R. He further submits
that it appears from the F.I.R. as well as seizure list that nothing



has been recovered from the conscious possession of the petitioner and on the basis of statement of apprehended co-accused person Uday Rajvanshi, the police has conducted a raid in the forest area and altogether 60 litres of illicit country made liquor was recovered from the forest area and on the basis of the disclosure made by local choukidar, the name of the petitioner has been transpired in the present case. He further submits that due to previous criminal antecedent, the choukidar has disclosed the name of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.02.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases of similar nature but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by local choukidar, 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 Excise Court-1, Nawada in connection with Rajauli P.S. Case No. 585 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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