

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29367 of 2025

Arising Out of PS. Case No.-287 Year-2023 Thana- KHAIRA District- Saran

Kamal Kishore Prasad Son of Bisuni Prasad @ Bisuni Sah Resident of
Village - Satua, P.S.- Baniyapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2025 Heard Mr.Nitish Kumar, learned counsel for the
petitioner and Ms.Renu Kumari, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
05.03.2025 in connection with Khaira (Nagra) P.S. Case No.
287 of 2023, F.I.R. dated 03.08.2023 registered for the offence
punishable under Sections 30(a) and 33 of Bihar Prohibition
and Excise Act, 2018.

3. Recovery is of 2200 liters of illicit Spirit.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case on the basis of
disclosure made by co-accused persons, namely, Kunal Kumar,
Rambriksha Singh and Arvind Kumar. It appears from the FIR
as well as the seizure list that nothing has been recovered from



conscious possession of the petitioner rather the recovery has been made from the vehicle in quesiton and petitioner has no concern at all with the alleged recovery of illicit spirit or the vehicle in question. Further submits that co-accused persons, namely, Arvind Kumar, Ram Briksha Singh @ Ram Krishna Singh @ Ram Brij Singh, Kunal Singh and Naresh Singh have been granted regular bail by different Coordinate Benches of this Hon'ble Court vide orders dated 26.09.2023 and 11.10.2023 passed in Cr. Misc. Nos.62011 of 2023 and 64560 of 2023 respectively and the petitioner is in custody since 05.03.2025.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner, name of the petitioner has been transpired during investigation on the basis of disclosure made by co-accused persons and co-accused persons have been granted regular bail by different Coordinate Benches of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra in



connection with Khaira (Nagra) P.S. Case No. 287 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedent, 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)

Nitesh/-

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