

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34289 of 2025**

Arising Out of PS. Case No.-48 Year-2025 Thana- Excise Jhanjharpur District- Madhubani

Kamal Vishwas S/o Late Nathuni Vishwas R/o Village- Mohanpur, Ward No. 10, P.S.- Rajbiraj, District- Saptari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Ms.Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

3      02-07-2025                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information that some unknown persons were transporting nepali liquor, the police party laid a trap and four persons were seen coming with luggage. It has further been alleged that three persons managed to escape and one person was apprehended, who disclosed his name as Kamal Vishwas (petitioner). On search, total 360 bottles of nepali liquor measuring 116.1 liters were recovered.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and no incriminating article has been recovered from his conscious physical possession. It is also submitted that there are no independent witnesses to the seizure. It is lastly submitted that the petitioner has clean antecedent, though the impugned order refers to one criminal case but, it is an error of record and he is in custody since 24.03.2025. Learned counsel for the petitioner undertakes to deposit a fine of Rs. 5,000/- in the account of Advocate Association of the Patna High Court.

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

6. Considering the aforesaid submissions of the parties and also considering the period of custody of the petitioner, let the petitioner above- named, be enlarged on bail, on deposition of a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail- bond and thereafter on furnishing bail-bond of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani, in connection with Excise Jhanjharpur P.S. Case No. 48/2025, subject to the following conditions:-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.
- d. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- e. 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 afore-mentioned order shall not be delayed for purpose of or in the name of verification.

7. This application stands allowed.

(Sourendra Pandey, J)

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