

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80159 of 2025

Arising Out of PS. Case No.-165 Year-2025 Thana- NASRIGANJ District- Rohtas

Kamlesh Kumar @ Kamlesh Kumar Singh, S/O Ramvachan Singh @ Vachan Singh @ Awdhesh Singh @ Rambachan Singh, Residents of Sabdalla, P.S- Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Fazle Karim, Advocate.

For the State : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Nasriganj P.S. Case No. 165 of 2025 dated 09.05.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation, the Police got information that the petitioner and other co-accused are involved in manufacturing and selling illicit liquor in the river bed side of Sone river. It is further alleged that when the Police reached there, they found that the petitioner and other co-accused started fleeing away leaving behind three bags. After searching the bags, 90 litres of illicit liquor was recovered.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery of the contraband has been made from an open space accessible to public at large. He also submits that the Police has not disclosed how they came to know about the name of persons who fled away from the place of recovery. The whole case is based on suspicion and there is no *prima facie* case against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering that no *prima facie* case is made out against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned concerned court below in connection with Nasriganj P.S. Case No. 165 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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