

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25661 of 2019

Arising Out of PS. Case No.-63 Year-2019 Thana- NADI P.S. District- Patna

VIKASH KUMAR, aged about 20 years, Male, S/o Balchandra Ray @
Balchan Ray, R/o Village/Mohalla- Saidabad, P.S.- Raghapur, District-
Vaishali ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Vibhuti Ranjan Sonvadra, Adv.

For the Opposite Party : Mr. Murlidhar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 23-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Special
Case No. 2639 of 2019 arising out of Nadi P.S. Case No. 63 of
2019 for the offence alleged under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during the course of vehicle checking, the
tempo of the petitioner was intercepted and on search 80 liters
of country made liquor was recovered. Accordingly, a seizure
list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He submits that
nothing has been recovered from his conscious possession. The
illicit liquor belong to some passenger and he is languishing in
judicial custody since 12.03.2019.

However, the learned Additional Public Prosecutor for
the State opposes the prayer for bail.



Considering the nature of allegations and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, 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 in connection with Special Case No. 2639 of 2019 arising out of Nadi P.S. Case No. 63 of 2019 to the satisfaction of the learned Special Judge, Excise, Patna, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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