

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80695 of 2018

Arising Out of PS. Case No.-205 Year-2018 Thana- SURYAGARHA District- Lakhisarai *

1. Vikash Kumar Singh @ Vikash Kumar and Ors Son of Shankar Singh Resident of Village - Gangara, P.S.- Gidhaur, Distric -Jamui
2. Prince Kumar Son of Ajay Singh Resident of Village - Gangara, P.S.- Gidhaur, Distric -Jamui
3. Gunjan Kumar Son of Amani Sharma Resident of Village - Sonvarsh, P.S.- Shamba, District - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Kumar

For the Opposite Party/s : Mr.Sri Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 26-02-2019 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Suryagarha P.S. Case No. 205 of 2018 registered for the offence punishable under Sections 272, 273, 120(B) of the Indian Penal Code and Section 30(a), 32(2), 38(1), 14 and 22 of Bihar Prohibition Excise Act.

Allegation is recovery of 1543.980 litres of foreign liquor from cabin of the truck.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case



due to political rivalry. Petitioners are not concern with the alleged truck and liquor loaded thereon. It has been further submitted that petitioners were going to attend a Sharadh ceremony and driver of truck inquired about some address from the petitioners, in the meantime police caught them. Since petitioner Nos. 2 and 3 have clean antecedents and they are in custody since 15.10.2018.

Considering the aforesaid facts and circumstances of the case, let petitioner Nos. 2 and 3 named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Lakhisarai, in connection with Suryagarha P.S. Case No. 205 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner Nos. 2 & 3 shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner Nos. 2 & 3 tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner Nos. 2 & 3.

(4) If the petitioner Nos. 2 & 3 are



found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

So far as petitioner No. 1 is concerned. Petitioner No. 1 is accused in several cases of similar nature.

As petitioner No. 1 is accused in excise case as detailed in paragraph No. 3 of petition, I am not inclined to grant bail to the petitioner No.1 at this stage. However, after six months of custody petitioner No. 1 would be enlarged on bail by the court below itself on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Lakhisarai, in connection with Suryagarha P.S. Case No. 205 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner No. 1 shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner No. 1 tampers with the evidence or the witnesses of the case, in that case, prosecution will be at



liberty to move for cancellation of bail of
the petitioner.

(4) If the petitioner No. 1 is found
involved in similar nature of offences,
after his release on bail the trial court shall
take steps to cancel his bail bond.

(S. Kumar, J)

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