

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7702 of 2020

Arising Out of PS. Case No.-82 Year-2019 Thana- MIRGANJ District- Gopalganj

VIKASH KUMAR S/o Ramakant Singh R/o village- Harkhauli, P.S.-
Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate.

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-05-2020

The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard Mr. Vyas Kumar Mishra, learned counsel for the petitioner as well as Mrs. Pushpa Sinha, learned APP for the State.

The petitioner is an accused in Mirganj P. S. Case No. 82 of 2019 for the offence under Sections 272 and 273 IPC read with Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The FIR is lodged by a police personnel. One Scorpio was stopped, from which one person fled away. Faizal Raza was however apprehended on the spot and illicit liquor, 362.88 liters (country made wine), was recovered from the



vehicle. The petitioner has been apprehended as allegedly being the other person who fed away from the Scorpio.

It is submitted by learned Counsel for the petitioner that having regard to his criminal antecedents he has been falsely implicated in the instant case. The only basis for his implication is confessional statement of the apprehended co-accused Faizal Raza. Even as per the prosecution case he was neither present nor recovery was made from him at the time of seizure. Out of six criminal cases pending against him, as disclosed in para 3 of the bail petition, the petitioner as per his counsel's submission, has been allowed bail in four cases. He is in custody since 22.11.2019.

Learned APP for the State opposed the prayer for bail and submits that the petitioner's name has been taken by co-accused and from the co-accused there is recovery of illicit liquor.

Considering the rival submissions this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the Additional District Judge 2nd cum Special Judge Excise Act, Gopalganj, in connection with Mirganj P. S. Case No. 82 of 2019 , subject to the following conditions:-

- i. That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- ii. That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirements of furnishing bail bonds and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Additional District Judge 2nd cum Special Judge Excise Act, Gopalganj and the competent authority of the State in terms of clause 13 of Notice - II published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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