

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7691 of 2020

Arising Out of PS. Case No.-416 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

VIKESH KUMAR @ DRIVER VIKESH KUMAR Son of Sri Prasad Rai
Resident of Village - Bardhiya,(Bardiha) Turki, P.S. - Patepur, District -
Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Navin Nikunj

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-05-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 30(a), 32(2), 36 and 41(1) of the Bihar
Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 780 liters wine is
recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 4.12.2019 and has got no



criminal antecedent. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 780 liters wine is recovered from the truck in question. The petitioner is driver of the truck. He had no knowledge regarding the nature of goods booked by the transporter. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of A.D.G.-2-cum- Special Judge, Excise Act, Gopalganj in connection with Kuchaikote P.S. Case No. 416 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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