

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14783 of 2021**

Arising Out of PS. Case No.-252 Year-2020 Thana- DHURAIYA District- Banka

VIKASH KUMAR Son of Panchanand Das Resident of Village - Kathoun,
Police Station - Rajoun, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Balram Kapri, Advocate
For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 26-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Dhoraiya Police Station
(for brevity, *PS*) Case No 252 of 2020 dated 20.09.2020
instituted for the offence punishable under Section 30 (a) of
Bihar Prohibition and Excise Amendment Act, 2018.

There is alleged recovery of 83.25 liters of illicit
liquor from the petitioner.

Petitioner's counsel submits that petitioner has no
concern with the recovery. Recovery is not as per prescribed



procedure and, thus, illegal. Petitioner is in custody since 21.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Banka in connection with Special Excise Case No 665 of 2020 arising out of Dhoraiya PS Case No 252 of 2020 dated 20.09.2020 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.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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