

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28064 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- KANTI District- Muzaffarpur

VIKAS KUMAR S/o Baiju Ray R/o village- Bakatpur, Bishunpur Ganga,
P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kanti
P.S. Case No. 16 of 2021 for the offence under Sections 272,
273 and 120(B) of the Indian Penal Code and Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 3640 litres of spirit.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has not committed any offence. Nothing has
been recovered from the conscious possession of the
petitioner rather the alleged recovery has been made from
alleged vehicle and the petitioner has no concern with the



alleged recovery and the recovered vehicles. Moreover, the co-accused, namely, Rakesh Kumar and Kamlesh Thakur, having more or less similar allegations have been granted bail by a co-ordinate Bench of this Court vide order dated 20.07.2021 and 12.08.2021 passed in Cr. Misc. No. 24773 of 2021 and Cr. Misc. No. 30140 of 2021, respectively. The petitioner is rotting in judicial custody since 05.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, Excise Act, Muzaffarpur in connection with Kanti P.S. Case No. 16 of 2021 subject to the following conditions:

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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