

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29481 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- GAYA KOTWALI District- Gaya

VIKASH KUMAR S/o Raju Chaudhary R/o village- Chhotaki Dela, Tara
Babu Gali (Taraby Gali), P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kotwali P.S. Case No.9 of 2021 (CIS 61/2021)
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016. He is in custody since
07.01.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story 17.625 liters of illicit liquor were
recovered from a bag which was in possession of the petitioner.

Learned counsel for the petitioner petitioner submits



that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 07.01.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 17.625 liters of illicit liquor were recovered from a bag which was in possession of the petitioner, the petitioner has got one criminal antecedent as stated in paragraph '3', he is in custody in connection with this case since 07.01.2021, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with Kotwali P.S. Case No.09 of 2021 (CIS 61/2021), subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

