

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34725 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

VIKASH KUMAR Son of Sanju Rai Resident of Village- Mahmada, P.S.-
Pusa, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Prakash Poddar, Adv.

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mahammdpur P.S. Case No.59 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Altogether 259.200 liters of illegal foreign liquor is said to have been recovered from a tempo coming from Mohammadpur. It is alleged that the petitioner who was sitting



on the tempo was apprehended from the spot.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The petitioner is a khalasi of the tempo and there is no specific allegation against him. The driver of the vehicle was Deepak Rai, who fled away on seeing the police and petitioner had no idea about foreign liquor. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 17.03.2021.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II, Gopalganj, in connection



with Mahammdpur P.S. Case No.59 of 2021, with the following conditions:-

(1) 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 petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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