

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24415 of 2020**

Arising Out of PS Case No.-831 Year-2018 Thana- DEHRI TOWN District- Rohtas

Vikash Kumar, aged about 24 years, Gender-Male, Son of Ram Ashish Singh,  
Resident of Village - Narsingh Bigha, Dahaur, PS - Dehri (N), District -  
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                           |
|----------------------|---|---------------------------|
| For the Petitioner/s | : | Mr. Vijay Anand, Advocate |
| For the State        | : | Ms. Rita Verma, APP       |

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

**ORAL JUDGMENT**

**Date : 24-02-2021**

Heard Mr. Vijay Anand, learned counsel for the  
petitioner and Ms. Rita Verma, learned Additional Public  
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Dehri  
Town PS Case No. 831 of 2018 dated 21.09.2018, instituted under  
Sections 273, 120B/34 of the Indian Penal Code and 30(a), 38(i)  
(ii), 41(i)(ii), 31 and 47 of the Bihar Prohibition and Excise Act,  
2016

3. This is the second attempt for bail by the petitioner as  
earlier such prayer was rejected by order dated 13.05.2020 passed  
in Cr. Misc. No. 17451 of 2020.



4. Learned counsel for the petitioner submitted that two motorcycles were recovered near a truck from which there was recovery of 4948.2 litres of liquor and one of the motorcycles belonged to the petitioner.

5. Learned counsel for the petitioner submitted that he was neither caught at the spot nor from his motorcycle, there was any recovery. Learned counsel submitted that earlier due to wrong submission that the truck belonged to the petitioner, the Court noticing the same, had dismissed the application for bail but the fact is that the truck from which recovery has been made belonged to one Hirdesh Kumar and the registration is also of the State of Uttar Pradesh. In this connection, he referred to copy of the owner book of the vehicle seized. Learned counsel submitted that there has been no recovery from either the petitioner or his house or from any place which was owned by the petitioner and he is in custody since 25.01.2020, having no other criminal antecedent.

6. Learned APP submitted that the motorcycle of the petitioner was found near the truck from which there is recovery of liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Session Judge-cum-Special Judge Excise, Rohtas at Sasaram in Dehri Town PS Case No. 831 of 2018 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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