

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 38416 of 2021**

Arising Out of PS. Case No.-132 Year-2021 Thana- GOPALPUR District- Bhagalpur

VIKASH KUMAR S/O PRITHWI SINGH R/o village- Chakala, P.S.-
Pasraha, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Alok Kumar Singh, Advocate
For the Opposite Party/s : Mr Mukeshwar Dayal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-12-2021 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 Gopalpur (Rangra OP) Police Station (for brevity, PS) Case No 132 of 2021 dated 21.03.2021 instituted for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 189 liters of illicit foreign liquor from a pick up van and a Scorpio vehicle. Two co-accused Suraj Kumar and Dharmraj were arrested from the vehicle and petitioner and one Ajay Kumar have been arrested while fleeing away.

Learned counsel for the petitioner submits that having



no criminal antecedent, the petitioner has been implicated in this case falsely. He was present near the place of occurrence and has become victim of the circumstances. Other similarly situated co-accused Ajay Kumar has already been allowed bail by this Court in Cr Misc No 39292 of 2021 and petitioner is in custody since 22.03.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, 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 -cum- Special Judge (Excise Act), Bhagalpur in Gopalpur (Rangra OP) PS Case No 132 of 2021 dated 21.03.2021 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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