

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38819 of 2021

Arising Out of PS. Case No.-216 Year-2021 Thana- KUDHNI District- Muzaffarpur

Vikash Kumar Son Of Birendra Prasad @ Virendra Prasad Chaurasiya @
Virendra Chaurasiya Resident Of Village- Turki, P.S.- Kudhani O.P., Turki,
District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Ms. Renuka Ratnakar

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 Kudhani (Turki
OP) P.S. Case No. 216 of 2021 registered for the offence punishable
under Sections 272, 273, 414 of the Indian Penal Code and Sections
30 (a), 41, 52 of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from the conscious physical
possession of the petitioner rather 11.5 liters of illegal foreign liquor



is said to have been recovered from the motorcycle which is not belongs to the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He has been falsely implicated in this case by the police due to suspicion. He submits that provision of search and seizure has not been followed in the present case. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and he is languishing in custody since 27.03.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar bearing Account No.2065104000002257, IFSC Code: IFSC Code: 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 court below where the case is pending/successor court in connection with Kudhani (Turki OP) P.S. Case No. 216 of 2021 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform



the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000/- (Rupees Five Thousand) in the Chief Minister’s Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

GAURAV S./-

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