

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39315 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- MOTIPUR District- Muzaffarpur

VIKAS KUMAR Son of Lakhindra Ray Resident of Village - Sandha
Dambar, Pani Tanki, P.S.- Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh

For the Opposite Party/s : Mr. Raj Kishore Singh

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 a case registered for the offence punishable under Section 30 (a), 41 (1) (2) of the Bihar Prohibition and Excise Act.

60.840 liters of foreign liquor is said to have been recovered from the house and the car of the co-accused.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been falsely implicated in this case on the confessional statement of co-accused. He was not apprehended at the spot. There is nothing on record indicating the complicity of the petitioner barring the confessional statement of co-accused, which has no evidentiary value in the eye of law. Petitioner has one criminal antecedent of similar nature and has been languishing in custody since 24.03.2021.

Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five 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 the 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 the learned Court below where the case is pending/successor Court in connection with Motipur P.S. Case No. 54 of 2021, subject to 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 petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated 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 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.5,000.00 (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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