

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33008 of 2020

Arising Out of PS. Case No.-497 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Vikash Kumar, aged about 20 years, Male, Son of Lakhindra Rai, Resident of Village- Sandha Damber, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate
For the State : Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-01-2021

Heard Ms. Bela Singh, learned counsel for the petitioner and Mr. Anant Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Motipur PS Case No. 497 of 2019 dated 09.12.2019, G.R. No. 2417 of 2019, instituted under Sections 30(a)/41(1)(2) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

3. The allegation against the petitioner is that he along with father and brother was doing business in liquor and in this connection, the police recovered 102.120 litres of foreign liquor of different brands from a Bolero vehicle in front of his house.



4. Learned counsel for the petitioner submitted that the recovery is not from the conscious possession or the house of the petitioner and rather from the vehicle parked outside the house. It was submitted that his father Lakhindra Rai and brother Vikky Kumar have been granted bail by co-ordinate benches in Cr. Misc. No. 30915 of 2020 on 25.11.2020 and in Cr. Misc. No. 3015 of 2020 on 18.01.2020 respectively. Learned counsel submitted that the petitioner is in custody since 15.06.2020. It was submitted that though there is one other case against the petitioner, but not under the Act.

5. Learned APP submitted that the petitioner along with his father and brother are trading in liquor which was also recovered from the Bolero vehicle outside his house.

6. 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 Special Judge, Excise Act, Muzaffarpur in Motipur PS case No. 497 of 2019, G.R. No. 2417 of 2019, 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.

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

(Ahsanuddin Amanullah, J)

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