

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48607 of 2021

Arising Out of PS. Case No.-457 Year-2020 Thana- MAHUA District- Vaishali

VIKASH @ VIKASH KUMAR @ BABA Son of Shankar Sah Resident of
Village- Kasturi Sarai, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advcoate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Mahua P.S. Case No. 457 of 2020 registered for the offences punishable under Sections 30(a), 32(ii), 34(ii), 38(ii), 41(i) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 69.120 litres of illicit IMFL from Scorpio and 1411.140 litres of illicit IMFL from one Pickup Van.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. Learned counsel further submits that name of the petitioner transpired on the basis of confessional statement of co-accused Raj Kumar. Learned counsel further submits that no incriminating article has been recovered from conscious possession of the petitioner rather the alleged recovery has been made from one Scropio and Pickup van. It is further submitted that co-accused Raj Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 04.03.2021 passed in Cr. Misc. No. 1804 of 2021. Charge sheet has been submitted against the petitioner on 01.06.2021. Petitioner is in custody since 18.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge cum-II, Special Judge, Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 457 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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