

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9885 of 2021

Arising Out of PS. Case No.-506 Year-2020 Thana- SHERGHATI District- Gaya

VIKASH KUMAR Son of Birendar Yadav @ Surendar Kumar R/O Village -
Babhandih, P.S. - Amas, District - Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-03-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Sherghati P.S. Case No. 506 of 2020 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per
the prosecution story the informant along with armed forces while
on patrolling duty intercepted a motorcycle bearing registration
No. BR02AJ-8864 and on seeing the police party two persons
namely Vikash Kumar and Mukesh Kumar tried to flee away but
they were apprehended by the police and on search of the



motorcycle 50 liters of country-made liquor was recovered and the same was seized.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel submits that the petitioner has no concern with the recovered wine. The petitioner is in custody since 01.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, in the nature of the materials and submissions showing that the petitioner has remained in jail in connection with the present case since 01.10.2020, the allegation is that 50 liters of Mahua wine was recovered from the motorcycle of the petitioner and the submission that the investigation against the petitioner is complete and there is no chance of tampering with the evidence as also that the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. 2nd Cum Special Judge Excise, Gaya in connection with Sherghati P.S. Case No. 506 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'

