

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8847 of 2021**

Arising Out of PS. Case No.-388 Year-2020 Thana- AKBARPUR District- Nawada

VIKKY KUMAR @ VICKY KUMAR S/O Rambabu Resident of Village -
Dobhra Par Nawada, P.S. Nawada, District - Nawada.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-05-2021 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. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Akbarpur P.S. Case No. 388 of 2020 registered for
the offences punishable under Sections 420, 414 of the Indian Penal
Code and 30(A) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
prosecution story, total 446.4 litres of illicit liquors have been
recovered from a Bolero vehicle and two persons were apprehended
on the spot. The apprehended persons disclosed the name of this
petitioner.

Learned counsel submits that the petitioner is innocent



and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of this petitioner and the name of this petitioner has transpired in the confessional statement of the co-accused. The petitioner is in custody since 21.10.2020.

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

In the facts and circumstances of the case wherein it is stated that the name of the petitioner has transpired in the confessional statement of the co-accused, no liquor has been recovered from his house or from his possession, the petitioner has remained in jail in connection with the present case since 21.10.2020, investigation against him is complete, in the one case against the petitioner he is said to be on bail and the co-accused have already been granted bail in the present case, this Court directs release of petitioner on furnishing bail bond furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Nawada in connection with Akbarpur P.S. Case No. 388 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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'

