

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9810 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- KIUL RAIL P.S. District- Lakhisarai

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VISHAL KUMAR aged about 25 years S/O OM SAO R/O NAYA BAZAR,
WARD NO 25, P.S.KABAIYA (LAKHISARAI), DISTRICT-LAKHISARAI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-06-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 30a of the Bihar Prohibition
and Excise Act.

As per the prosecution case, 48 liters of country made
liquor has been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 15.10.2020. Provisions of section 100 Cr.P.C. has not been followed at the time of making search and seizure.

State counsel opposes the prayer for bail.

Considering the rival submissions of the parties and the quantity of recovery and the period of custody of the petitioner, 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 Additional Sessions Judge II cum Special Judge, Excise Act, Lakhisarai in Rail Kiul Police Station Case No. 54/2020 on 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/her absence on two consecutive dates without sufficient reason, his/her 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.

(Prabhat Kumar Singh, J)

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