

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4674 of 2022

Arising Out of PS. Case No.-733 Year-2021 Thana- GARKHA District- Saran

VICKY KUMAR SINGH SON OF KAMESHWAR SINGH R/O VILLAGE-
KADNA DAKSHIN, MAHAMMADPUR, P.S.- GARKHA, DISTRICT-
SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with Garkha
P.S. Case No. 733 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The petitioner is named in the FIR and is in
custody since 27.10.2021.

The allegation against the petitioner is to be
involved in a illegal business of illicit liquor, wherein, recovery
of 265.42 litre of Indian made foreign liquor was made from the
house of co-accused, namely, Amar Mahto.



Learned counsel appearing on behalf of the petitioner submitted that admittedly recovery has not been made from the conscious possession of the petitioner and allegation is only limited to the fact that a supply is supposed to be made to the petitioner from the recovered illicit Indian made foreign liquor.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery has not been made from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the physical or conscious possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Garkha P.S. Case No. 733 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for



the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be brother of the petitioner, namely, Rupesh Kumar, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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