

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5402 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- GURUA District- Gaya

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Vikash Kumar Son Of Naresh Singh R/O Village- Pawra, P.S.- Gurua,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Vinod Kumar, learned counsel for the
petitioner and Mr. Yogendra Kumar Singh, learned Additional
Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Gurua P. S. Case No. 200 of 2021



registered for the offences punishable under Section 37 (2) of the Bihar Prohibition & Excise Act, 2016.

As per the prosecution case, it is alleged that the petitioner was arrested by the Police while he was creating nuisance in drunken state.

Learned counsel appearing on behalf of the petitioner submitted that though the petitioner was found in drunken state but neither any incriminating article nor any wine has been recovered from the person or possession of this petitioner. It is further submitted that there is no other independent witness to support the alleged occurrence and further he is in custody since 02.09.2021 and as such he has already been punished appropriately for the offence committed. It is next submitted that the investigation of the crime is already completed and charge-sheet has been submitted and as such, keeping him behind the bar would not serve any purpose.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the period of custody of the petitioner, apart from the fact that the investigation of the crime is already completed and the charge-sheet has been



submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise, Gaya in connection with Gurua P. S. Case No. 200 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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