

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5344 of 2022

Arising Out of PS. Case No.-649 Year-2021 Thana- ALAMGANJ District- Patna

Vicky Kumar Son Of Dhramvir Prasad R/O Jhauganj, Machharhatta, Ranipur,
Milkichak, Mohari Gali, P.S.- Khajekala, Patna City

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Priyedarshi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Pushpendra Priyedarshi, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Alamganj P.S.Case No. 649 of 2021 for the offences punishable under Sections 30(a) 37(c) of Bihar Prohibition & Excise (Amendment) Act 2018.

As per the prosecution case, it is alleged that on secret information, that various persons are found indulge in selling illicit liquor, the police apprehended 14 persons including this petitioner. It is further alleged that 15 liters



country made liquor has been recovered from possession of the petitioner and he has also been found to be in drunken condition.

It is submitted by the learned counsel for the petitioner that no recovery has been made from conscious possession of the petitioner rather while he was crossing the place from where the recovery was made, all of a sudden, the police started apprehending the people, who were standing nearby place and in this way the petitioner was also apprehended along with others. It is further submitted that petitioner is in custody since 26.09.2021 and moreover, investigation of the crime is already completed and charge sheet has been submitted. It is next submitted that one FIR named accused namely, Md. Shafi having similar, allegation has already been granted bail by learned co-ordinate Bench of this Court vide order dated 09.02.2022 in Cr. Misc. No. 72402. Copy of which has been taken on record.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that 15 liters of country made liquor has been recovered from possession of the petitioner.



Having heard the rival contentions of the parties and taking into consideration the fact that co-accused person, having similar allegation has been granted bail by learned co-ordinate Bench of this Court. Apart from the fact that investigation has already been completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna city in connection with Special case No. 6094 of 2021 arising out of Alamganj P.S. Case No. 649 of 2021 subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

