

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6341 of 2022

Arising Out of PS. Case No.-782 Year-2021 Thana- SARAIYA District- Muzaffarpur

Vikash Kumar Rai, S/o Babulal Rai, Resident of Village- Madhaul, P.S.-
Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Anjana, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, within a period of
four weeks from today.

Heard Mrs. Anjana, learned counsel for the petitioner
as well as learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Saraiya P. S. Case No. 782 of 2021 registered
for the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and Sections 37(a) (b) (c) and 30 (a) of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that the
Police, on a secret information that one Vikash Kumar
(petitioner) was indulged in a business of country-made wine,
raided the house of the petitioner. It is also alleged that this



petitioner was apprehended along with a gallon, containing 20 litres of spirit.

Learned counsel appearing on behalf of the petitioner submitted that, in fact, nothing has been recovered from the person or possession of this petitioner and the petitioner is in custody since 22.11.2021, though, the investigation of the crime has already been completed and the charge-sheet has been submitted. It is further submitted that the petitioner is ready to give undertaking that he will co-operate in the trial and will remain present on each and every date of trial.

On the other hand, learned APP for the State opposes the bail application and submits that from the F.I.R., it is evident that the petitioner was indulged in business of country-made wine and recovery has been made from his possession.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 22.11.2021 and moreover, the investigation of the crime has already been 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 Special Judge, Excise Act, Muzaffarpur



in connection with Saraiya P. S. Case No. 782 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which areas 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)

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