

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8143 of 2022

Arising Out of PS. Case No.-856 Year-2020 Thana- NAWADA District- Nawada

VIDHAN KUMAR S/o Sharwan Yadav R/o Village- Khemchanbigha, P.S.-
Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 01-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Nawada (Kadirganj) P.S. Case No. 856 of 2020 registered for
the offences punishable under Section 30(a) of the Excise Act.

As per prosecution case, there is alleged recovery
of 765.435 litre foreign liquor from the room of co-accused
Shailendra Kumar Yadav and on his disclosure name of the
petitioner has been surfaced in this case.

Learned counsel for the petitioner submits that
petitioner is in custody since 25.11.2021 and bears criminal
antecedent of several cases in which most of the cases are of



similar nature. Petitioner is not named in the FIR rather the name of the petitioner surfaced on the basis of confessional statement of co-accused Shailendra Kumar as well as Raj Kumar and Ranjeet Kumar. Nothing has been recovered from the possession of the petitioner. Petitioner is not apprehended on the spot. Petitioner has been falsely implicated merely on the statement of co-accused which has no value in the eyes of law. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that co-accused Kamlesh Kumar @ Vikash Kumar has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 56488 of 2021 and the case of the petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court



Excise Act-1, Nawada in connection with Nawada (Kadirganj)
P.S. Case No. 856 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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