

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15366 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- GARDANIBAG District- Patna

Vikash Kumar Pal Son Of Indradev Pal Resident Of Village - Deokuli, P.S.-
Bihta, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defects(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 by virtual mode.

The petitioner seeks bail in connection with
Gardanibagh P.S. Case No.431 of 2021 (Special Case No. 7058
of 2021) registered for the offences punishable under Sections
30(a), 32(2) (3), 36 and 41(i) (ii) of Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery of
8809.86 litre foreign liquor from the truck in question and two
accused persons were apprehended by the police on the spot. It
is alleged that on the disclosure of apprehended accused
persons, the police team raided in Deokuli and arrested the



petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 14.01.2022 and bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence. Learned counsel for the petitioner further submits that no incriminating article has been recovered from physical or conscious possession of the petitioner. Petitioner is not apprehended on the spot and he has falsely been implicated in this case.

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, keeping in view clean antecedent of the petitioner, charge-sheet has been submitted in the case and there is no likelihood of tampering the evidence, petitioner is not apprehended on the spot, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna, in connection with Gardanibagh P.S. Case No. 431 of 2021 (Special Case No. 7058 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 without appropriate permission, 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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