

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18497 of 2022

Arising Out of PS. Case No.-466 Year-2021 Thana- BARAUNI District- Begusarai

Vikram Kumar, Son of Dharmendra Rai @ Dharmendra Singh, R/o Vill. -
Simariya, Ward No.- 02, P.S.- Barauni (Chakia O.P.), Dist. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barauni (Chakiya) P.S. Case No. 466 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is that total 355.320 litres of India made foreign liquor was recovered from a Bolero vehicle and the co-accused driver was apprehended. The co-accused driver named this petitioner for being involved in illicit trade of liquor and at the instance of co-accused, from the land of this



petitioner, 146.880 litres of illicit liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been named only on the basis of statement of the co-accused. Similarly, he had been made accused in another case in which he is on bail. Seizure list has been prepared violating the provisions of Code of Criminal Procedure. Furthermore, the petitioner has nothing to do with the place from where the recovery has been made and vehicle from the recovery has been made does not belong to this petitioner. The charge-sheet has been submitted in this case and the petitioner is in custody since 19.01.2022. Co-accused driver has been granted bail by a Co-ordinate Bench of this Court vide order dated 26.05.2022 passed in Cr. Misc. No. 7383 of 2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and further considering the fact that the petitioner has not been apprehended from the spot and further considering the grant of bail to other co-accused and also considering the submission of charge-sheet as well as the period of his custody, the petitioner



above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Excise Judge-I, Begusarai in connection with Barauni P.S. Case No. 466 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not commit similar type of offences in future.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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