

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21226 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- VISHNUPAD District- Gaya

=====

Vikash Kumar @ Bacha Yadav Son of Raj Kumar Yadav Resident of Mohalla
- Mangla Gouri Sangam Tailor Gali, P.S.- Vishnupad, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Opposite Party/s : Mr. Sharda Kumari, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Pramod Mishra, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Vishnupad P. S. Case No. 17 of 2022
registered for the offences punishable under Section 30 (a) Bihar
Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, it is alleged that the
Police, on a secret information, apprehended the petitioner and
on search being made 10 litres country-made wine containing in



two plastic gallons of 5 litres each has been recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner. From the seizure list, it appears that the alleged recovery has been made from other place and not from the petitioner. It is next submitted that the name of the petitioner has been implicated only because of his past criminal antecedent and this petitioner having found involved in five other criminal cases, however, the petitioner is on bail in all of them. It is next submitted that this petitioner is in custody since 01.02.2022 though the investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is contradiction with regard to the place of alleged recovery, apart from that this petitioner is in custody since 01.02.2022 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 Exclusive Special Excise Court No. -I, Gaya in connection with Vishnupad P. S. Case No. 17 of 2022, subject to the condition that one of the bailors will be the close relative 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.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the



petitioner. However, the acceptance of bail bonds
in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

shakir/-

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

