

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21706 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- UCHKAGAON District- Gopalganj

VIKASH KUMAR SINGH @ BIKASH KUMAR SINGH S/o Ginni Singh
R/o village- Narkatia, P.S.- Uchakagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Yadav, Adv.

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 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.

The petitioner seeks bail in connection with Uchakagaon P.S. Case No. 62/2022 registered for the offences punishable under Sections 414/34 the Indian Penal Code and Sections 30 (a)/35/38 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 432 liters of foreign liquor from the two vehicles in question and the name of petitioner has been stated by the co-accused, namely, Ram Prawesh Prasad and Manoj Prasad.

Learned counsel for the petitioner submits that



petitioner is innocent, has committed no offence and has falsely been implicated in this case. He further submits that the petitioner does not belong to the said vehicles in question. On the basis of confessional statement of co-accused, petitioner has been made accused in this case. The petitioner was neither arrested from the place of occurrence nor any incriminating article nor any alleged liquor was recovered from the conscious possession of the petitioner. He further submits that the petitioner is in custody since 15.03.2022 and petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Excise Court No.I, Gopalganj in connection with Uchakagaon P.S. Case No. 62/2022, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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)

amitkumar/-

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

