

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23631 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. VICKY KUMAR S/o Prameshwar Prasad Singh Resident of Rusalpur, Kodigaon, P.S.- Guraul, Dist- Vaishali, Bihar.
 2. Shivam Kumar Son of Sudhanshu Kumar Resident of Sector E 133, P.C. Colony, P.S.- Kankarbagh, Dist- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anmol Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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.

The petitioner seeks bail in connection with Excise Case No. 183 of 2022 registered for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 72 litres foreign liquor from the motorcycle in question. The petitioners were apprehended on spot and they disclosed their name as Vicky Kumar and Shivam Kumar.



Learned counsel for the petitioner submits that petitioner is in custody since 23.03.2022 and bears no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners are not the owner of the said vehicle, they are only the driver and passenger.

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, keeping in view clean antecedent of petitioner, prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Exclusive Excise Court No. 3, Gaya in connection with Excise Case No. 183 of 2022, 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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