

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25522 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- BARACHATTI District- Gaya

Vicky Kumar @ Vikash S/o Lakhan Prasad R/o village- Tutwari Road, P.S.-
Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 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. Aryan Singh, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

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

As per the prosecution case, it is alleged that in
course of vehicle checking, on suspicion the Police intercepted
an auto Pick-Up vehicle and on search being made altogether



243 litres Indian made foreign liquor was recovered. It is further alleged that the vehicle was being driven by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner/transporter of the vehicle in question nor the consigner of the goods. It is further submitted that the petitioner being driver of the vehicle was not even aware as to what was loaded in the said vehicle as the same runs for transportation of goods on charge taken by owner or consigner. It is next submitted that the petitioner is in custody since 07.03.2022 and only because of his single past criminal antecedent, he has been implicated in the present case.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the vehicle, which was run by the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is a driver of the vehicle in question and he is in custody since 07.03.2022 though, after conclusion of the investigation, 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 Judge, Court no. 2, Gaya in connection with Barachatti (Mohanpur) P. S. Case No. 202 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)

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