

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25268 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Vikash Kumar Son of Upendra Prasad R/O Village- Jagdev Colony, Kurtha,
P.S.- Kurtha, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Excise
Case No. 138 of 2022 registered for the offence under Sections
30(a) and 56(b) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is in custody since 06.03.2022.

The allegation against the petitioner is to have in
possession of the 68.250 liters of foreign liquor, which was
recovered from a Maruti Car bearing Registration no. BR 20 E
1151.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner is aware of the illicit liquor, kept in the car. It has been submitted that the recovery has not been made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State vehemently opposes the prayer of bail of the petitioner.

Considering the facts and circumstances as mentioned above, as petitioner is the driver of the alleged vehicle from which illicit liquor has been recovered coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, be directed to be released on bail in connection with Excise Case No. 138 of 2022 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 Judge No.3, Gaya, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the



Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Satyendra Prasad, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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