

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28099 of 2022**

Arising Out of PS. Case No.-11 Year-2022 Thana- SAMASTIPUR District- Samastipur

VIKRAM KUMAR @ VIKRAM PASWAN SON OF PRAMOD PASWAN
R/O VILLAGE- MAGARDAHI WARD NO.-15, P.S.- SAMASTIPUR
(TOWN), DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 05-08-2022 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 Samastipur (Town) P.S. Case No. 11 of 2022 registered for the offences punishable under Section 272 and 273 of the Indian Penal Code and under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act 2018.

As per prosecution case, there is alleged recovery of 750 ml foreign liquor from the pant of co-accused Amit Kumar. Accusation against the petitioner is that he was sitting on motorcycle with co-accused Amit Kumar. The petitioner fled



away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner is in custody since 16.02.2022 petitioner bears criminal antecedent of two cases which are of similar nature. Petitioner has no concern with illicit liquor. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, charge sheet 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 **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court -1, Samastipur in connection with Samastipur (Town) P.S. Case No. 11 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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