

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28735 of 2022

Arising Out of PS. Case No.-607 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

VIKASH KUMAR S/o Manoj Kumar Azad @ Manoj Kumar @ Manoj
Kumar Singh Resident of Village- Gopalpur, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Rajiv Kumar, 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 Ramkrishna Nagar P. S. Case No. 607 of 2021 registered for the offences punishable under Sections 30(a), 32(ii) (iii), 41 Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, it is alleged that in course of patrolling duty, the police intercepted a green coloured



Omni Van and on search, 342 litres Indian made foreign liquor was recovered. It is further alleged that the apprehended driver disclosed the name of the petitioner as owner of the van and illicit wine.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that the petitioner has neither any concern with the alleged seized van nor illicit wine. It is next submitted that save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of the petitioner in the present crime. It is also submitted that only because of past criminal antecedent, his name has been implicated in this case and he is in custody since 25.03.2022.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, he has no concern with the seized van



or with the recovered illicit wine, 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 Special Judge, Patna in connection with Ramkrishna Nagar P. S. Case No. 607 of 2021, 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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