

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28096 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- PURNAHYA District- Sheohar

Vikki Kumar S/o Sri Lalbabu Singh Resident of Village- Dumarwana, P.S.-
Bairganiya, Dist- Sitmarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Kanhaiya Kishore,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned APP for the State in Virtual Court
Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Purnahiya P.S. Case No. 182 of 2021 under sections 30(a) of
Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that one Shankar
Sah in charge of ALTF, Sheohar with others police officials was
on gram panchayat election duty and received information by
the officer in charge of Purnahiya police station that one tempo
was coming on the Bedaul Adam Border and upon seeing the
police officer the driver of the tempo got unbalanced and
overturned in the ditch. The police officer reached the Bedaul



Border and got out tempo out from the ditch and searched whereafter recovered/seized 455 bottles each containing 300 ml. i.e. total 136 liters of 500 ml in the tempo and seizure list has been prepared.

No one appears for the petitioner.

As per averment made in the bail application 136.500 liters of Nepali Saufi wine has been recovered/seized from the tempo and it has further been averred that nothing has been recovered from the conscious possession of the petitioner. He has criminal antecedent and he is in custody since 20.12.2021, charge-sheet stands submitted and he has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-II cum Special Judge, Excise Act, Sheohar, in connection with Purnahiya P.S. Case No. 182 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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