

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28443 of 2022

Arising Out of PS. Case No.-542 Year-2021 Thana- HISUWA District- Nawada

VIKASH KUMAR S/o Vijay Sinha @ Vijay Prasad Resident of Basti Bigha,
P.S.- Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party/s : Mr. Abhay Kumar, 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. Sheo Kumar Prasad, 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 Hisua P. S. Case No. 542 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act

As per the prosecution case, it is alleged that the police on a secret information that some persons are involved in selling illicit liquor, apprehended one Inova vehicle where six



persons were found seated, however, on noticing the police party they started fleeing away. One of the co-accused persons, namely, Raju Kumar was apprehended, who disclosed the name of the other co-accused persons including the petitioner. It is further alleged that on search 180.060 litres illicit liquor was recovered from the Inova vehicle. It is also alleged that one scooty was also seized from the place of occurrence.

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. The name of the petitioner has been implicated on the basis of the disclosure made by the apprehended person. It is further submitted that in fact, on the fateful day after parking the scooty near the side of the road, he went to ease, in the meantime, the police intercepted the Inova vehicle and also seized the scooty, though nothing has been recovered from the scooty. It is next submitted that this petitioner is in custody since 27.10.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears criminal antecedent and he is named in two other criminal cases.



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 the person or possession of this petitioner nor from the scooty and he is in custody since 27.10.2021, though after conclusion of investigation, the charge sheet has been submitted, 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 Court 1st Nawada in connection with Hisua P. S. Case No. 542 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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