

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31271 of 2022

Arising Out of PS. Case No.-134 Year-2022 Thana- BARAUNI District- Begusarai

VIKASH KUMAR Son of Kirandeo Sharma Resident of - Ward No.- 6, Ulao,
Rachiyahi, Puwari Tola, P.S.- Muffasil (Singhaul O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2022 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 Barauni
P.S. Case No. 134 of 2022 registered for the offence under
Sections 30(a) and Section 41(1) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
193.02 litres of illicit IMFL.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver of the alleged vehicle, from where, recovery has been made, nothing surfaced during course of investigation, which may suggest that the petitioner was aware about the illegal consignment of illicit liquor. It is also submitted through Supplementary Affidavit that petitioner is a man of clean antecedent. It is also submitted that the seizure list is not supported by independent witnesses and same is appears to be in violation of Section 100(4) of the Cr.P.C. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is a driver.

Considering the facts and circumstances as mentioned above, as the seizure list is disputed, where, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barauni P.S. Case No. 134 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.1,
Begusarai/ concerned court, subject to the conditions, as
mentioned in Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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