

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29169 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- CHANDAN District- Banka

Bikash Kumar, S/O Chotu Sahni, Resident of Village- Shaktiman, P.S.- Piyaar,
District- Muzaffarpur.

Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Shashank Shekhar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Chandan P.S. Case No. 62 of 2022 registered for the offences punishable under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, it is alleged that in course of vehicle checking, the police personnel intercepted a Maruti Brezza car and on search 60.48 liters of Indian made foreign



liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is said to have been arrested from the vehicle, however, neither the vehicle belongs to the petitioner nor he has any concern with the alleged recovered illicit wine. It is further submitted that on the fateful day he has taken left in the said vehicle, in the meantime, the vehicle was intercepted and he was apprehended. It is next submitted that only on account of his past criminal antecedent, his name has been implicated in this case. It is lastly submitted that this petitioner is in custody since 24.03.2022 and moreover after completion of investigation, charge-sheet has been submitted.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and moreover he was arrested at the spot with the illicit wine.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner has neither and concern with the seized Breza car nor with the illicit liquor and moreover he is in custody since 24.03.2022 and the investigation of the crime is completed and the charge-sheet has been submitted, let the petitioner, named above, be released on



bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II, Banka in connection with Special Excise Case No. 324 of 2022 (Chandan P.S. Case No. 62 of 2022), 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 physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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