

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29714 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Vikash Kumar, Son of Lal Bihari Paswan, R/O Village- Rasalpur, P.S.-
Chakand, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deep Nishi. Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Muffasil P.S. and Excise Case No. 212 of 2022 registered for the alleged offences under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, a tempo was intercepted and the driver of the said tempo was apprehended by the police. On search of the said tempo, 360 litres of country made liquor



was recovered. The petitioner is stated to be driver of the seized tempo.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is merely a driver of the vehicle and nothing incriminating has been recovered from the conscious possession of the petitioner. Prosecution report has been submitted in this case and the petitioner is in custody since 06.04.2022. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the recovery of 360 litres of country made liquor was made from the tempo.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering the submission of prosecution report as well as the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Excise Court No.3, Gaya, in connection with Excise Case No. 212 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the



following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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