

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34047 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Aurangabad

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VICKY SETH Son of Manoj Seth Resident of Village - Singhauli, P.S.-  
Dalmiyan Nagar, District - Rohtas, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shailesh Kumar Singh  
For the Opposite Party/s : Mr.Abhay Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      12-08-2022                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Aurgngabad Excise P.S. Case No. 01/2022 registered for the  
offences punishable under Section 30(a) of the Bihar Prohibition  
and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of  
total 398.7 liters country made liquor from the Zylo car in  
question. The petitioner and others were apprehended on the  
spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner was neither owner nor driver of the said car in question. The petitioner was passenger of the said car and no concern with the seized liquor. The petitioner is languishing in custody since 02.04.2022 and bears no criminal antecedent. Prosecution report has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, prosecution report has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise -II, Aurangabad in connection with Aurgngabad Excise P.S. Case No. 01/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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