

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44199 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- BAKHTIYARPUR District- Patna

VIKASH KUMAR S/O NANHU RAY @ NANDU RAY R/o village- Naya
Tola, Bakhtiyarpur, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 18.03.2021 seeks
regular bail in connection with Special Case No. 2113 of 2021
arising out of Bakhtiyarpur P.S. Case No. 54 of 2021 registered
for offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 129 litres
of illicit country made liquor was found from alleged stolen
motorcycle. There is specific allegation against the petitioner
that 38 litres of illicit liquor was recovered from his possession.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that alleged motorcycle is of brother of one co-accused Gautam Kumar and nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner is in custody since 18.03.2021 and he has got no criminal antecedent.

Learned A.P.P. however, opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case, let the petitioner above named, be enlarged on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 2113 of 2021 arising out of Bakhtiyarpur P.S. Case No. 54 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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