

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45114 of 2021**

Arising Out of PS. Case No.-371 Year-2020 Thana- GAYA KOTWALI District- Gaya

VIKASH KUMAR @ VIKASH KUMAR PASWAN @ VIKASH PASWAN,
Son of Munshi Paswan, Resident of Village - Murli Pahadi Bairagi, P.S.-
Kotwali, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jagdhar Prasad, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kotwali P.S. Case No. 371 of 2020 registered for
the offences punishable under Section 30(a), 37(ii) of Bihar
Prohibition and Excise (Amendment) Act. He is in custody since
15.04.2021. The petitioner has got one criminal antecedent in
which he is on bail.

Learned counsel for the petitioner submits that as per
the prosecution story, while the informant was on patrolling duty,
he got information that the petitioner is involved in storage of Desi



Mahua liquor in his house and also selling the same. The informant reached there and apprehended a person namely Shiv Kumar Manjhi in an inebriated condition. It is further alleged that nearby women assembled there and complained that the petitioner is involved in selling of liquor. The informant searched the house of the petitioner and recovered 20 litres Desi Mahua liquor. The petitioner was found absent from his house.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has got one criminal antecedent and he is in custody in connection with this case since 15.04.2021.

Learned counsel submits that 20 litres of illicit liquor have been recovered from the joint house which is not in exclusive possession of the petitioner.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that 20 litres of illicit liquor have been recovered from the joint house and that it is not in exclusive possession of the petitioner, further submission that the petitioner has got one criminal antecedent in which he is on bail and so far as this case is concerned, investigation against him is complete, he is in custody since 15.04.2021 and his presence



may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, -cum- Special Judge, Excise, Gaya in connection with Kotwali P.S. Case No. 371 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

