

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36632 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- MANIYARI District- Muzaffarpur

Vikash Kumar @ Abhishek Kumar Kushwaha S/O Lakshman Bhagat R/O Pakahi,
P.S.-Maniyari, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned

APP for the State through virtual court proceeding.

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 Maniyari P.S. Case No. 169 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, from a car 78.840 liters of India made foreign liquor was recovered but none was apprehended and the informer of the police named the petitioner who has been taking this liquor in the car and was involved in smuggling of illicit liquor.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The seized vehicle does not belong to this petitioner. The petitioner has nothing to do with the liquor seized by the police. The petitioner is in custody since 02.04.2022 and charge sheet has been submitted in this case. The petitioner is having no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his possession and further considering his period of custody and submission of charge sheet along with his clean antecedent, 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 Special Judge, Excise, Court No. II, Muzaffarpur in connection with Maniyari P.S. Case No. 169 of 2021, 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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