

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37603 of 2022

Arising Out of PS. Case No.-155 Year-2022 Thana- PARSABAZAR District- Patna

VIKASH KUMAR Son of Naresh Jamadar Resident of village - Mokimpur,
P.S.- Chandi, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Abhay Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Parasa Bazar P. S. Case No. 155 of 2022 giving rise to Special Case No. 1946 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in course of patrolling duty, the police intercepted a car bearing



registration no. BR01AC-4242, however, on noticing the police party, the petitioner tried to flee away from the car, however, he was apprehended by the police. On search, 320 litre country-made mahua wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has neither any concern with the car nor with the alleged illicit country-made wine. It is next submitted that in fact, he was a passer-by and on suspicion he was arrested. It is further submitted that the petitioner having fair antecedent, is in custody since 09.04.2022, though the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended at the spot.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner having fair antecedent, is in custody since 09.04.2022 and moreover, the investigation of the crime is already completed, charge sheet has been submitted and as such, keeping the petitioner behind the bar would serve no further purpose, let the petitioner, above named, be released on bail on



furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Parasa Bazar P. S. Case No. 155 of 2022 giving rise to Special Case No. 1946 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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