

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46967 of 2021

Arising Out of PS. Case No.-232 Year-2020 Thana- BARGAINIA District- Sitamarhi

VIKESH KUMAR @ VIKESH RAI Son of Bachchu Rai Resident of Village
Masaha Alam, P.S. Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 13.06.2021,
seeks regular bail in connection with Bairgania P.S. Case No.
232 of 2020 for the offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 1530
bottles of Nepali Saufi wine was recovered, in course of
patrolling, near Dumarwana. However, the accused persons
managed to escape from there leaving their cycles and bags in
which the illicit liquor were being carried. The name of the
petitioner has surfaced on the statement made by the local
Chowkidar.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that he has been implicated in this case on the basis of statement of Chowkidar, who is on inimical terms with the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. Two Lakhs with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Bairgania P.S. Case No. 232 of 2020, subject to the following conditions:-

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

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

(3) 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.

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

(Purnendu Singh, J)

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