

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41119 of 2022**

Arising Out of PS. Case No.-118 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

VIKAS @ VIKASH Son of Mahendra Singh R/o Village - Saidpur, P.S.-
Bhojpur, District - Gaziabad, State - U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

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

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 25-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Durgawati P.S. Case No. 118 of 2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 3092.58 litres foreign liquor from the truck in question. The
petitioner was apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 13.05.2022 and bears no criminal
antecedent. Learned counsel further submits that the petitioner



was only the driver of the said truck and he has no knowledge regarding the nature of goods loaded on it. It is further submitted that petitioner has falsely been implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No. 2, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 118 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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



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

(Alok Kumar Pandey, J)

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