

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41668 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- DIGHWARA District- Saran

Vikash Kumar Son Of Umashankar Sah R/O Village- Shitalpur Bazar, P.S-
Dighwara, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 Let the defects, if any, be removed within four weeks from today.

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

Petitioner seeks bail in a case registered in connection with Digwara P.S. Case No. 156 of 2022 for the offences punishable under Sections 30(c), of the Bihar Excise Prohibition Amendment Act.

The police on a secret information with regard to manufacturing of illicit liquor and its trafficking, raided the place of occurrence and on search various materials used for the purpose of manufacturing of illicit liquor were



recovered from a place surrounded by the boundary wall in front of the house of Upendar Mahto and petitioner was apprehended at the spot.

Learned counsel for the petitioner submits that from the FIR, it would be evident that the alleged recovery has been made from a place which was surrounded by the boundary wall near the house of co-accused Upendar Mahto. The petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He last submits that the petitioner is in custody since 13.05.2022 having fair antecedent and investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the alleged recovery has been made from the place which does not belong to the petitioner. Moreover, he is in custody since 13.05.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.



20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Exclusive Special Judge Excise, Saran, Chapra in connection with Dighwara P.S. Case No. 156 of 2020, subject to the condition that one of the bailors will be the close relatives 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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