

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51578 of 2021

Arising Out of PS. Case No.-825 Year-2020 Thana- NAGAR District- Vaishali

Vishal Kumar, S/o Horil Mahto, R/o village- Dak Bunglow Road, Anwarpur,
P.S.- Hajipur Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Hajipur (Town) P.S. Case No. 825 of 2020 for the offences punishable under Sections 30(a)/30(c)/38 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that on 19.12.2020, the informant received secret information that a huge consignment of foreign liquor has been kept in a shop bearing shop no. 21/A and 23/A by Raju Rai, Manoj Chaudhary, Vishal Kumar (petitioner) and Sunny Kumar. It is further



alleged that in presence of competent authorities, search was made and upon search of the aforesaid shops total 435.39 litres of foreign liquor was recovered.

It is submitted on behalf of learned counsel for the petitioner that shop no. 21/A and 23/A respectively are allotted and the same was standing in the name of Gyatri Devi and Dinesh Singh and this petitioner has neither concerned with the shop, in question, nor with the alleged illicit recovered foreign liquor. It is further submitted that the petitioner is said to be a member of the syndicate, who found involved in the trade of illegal liquor, except the aforesaid allegation, there is no such material, which suggest the complicity of this petitioner in the present crime. It is next submitted that even during the course of investigation, nothing has been recovered from the person or possession of this petitioner and this petitioner is having clean antecedent and is in custody since 05.06.2021. It is lastly submitted that the investigation has already been concluded and the charge-sheet has also been submitted in the present case and there is no chance of absconding of the petitioner or tampering with the evidences.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is said to be a



member of the syndicate, who is found involved in the trade of illicit liquor.

Having considered the submissions of the parties and taking into consideration this fact that recovery has been made from the shops of which this petitioner has no concern, apart from the fact that nothing has been recovered from the person or possession of the petitioner, which raises even a suspicion against this petitioner and further the petitioner having clean antecedent and is in custody since 05.06.2021, inasmuch as the investigation has already been concluded and the charge-sheet has been submitted in the present case, let the petitioner, named above, 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 Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Hajipur (Town) P.S. Case No. 825 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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