

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43520 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- CHACKMEHSI District- Samastipur

VIKASH KUMAR @ VIKASH KUMAR SAHNI SON OF CHHATHU
SAHNI R/O VILLAGE- SAKARIMAN, P.S.- PIAR, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Ms.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-08-2022 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
Chakmehsi P.S. Case No. 63 of 2021, Excise Registration No.
505 of 2021 registered for the offences punishable under
Sections 30(a), 32(ii) of the Bihar Prohibition Excise
(Amendment) Act, 2016.

As per prosecution case, there is alleged recovery
of 939.375 litre illicit foreign liquor from the truck in question.
Accusation against the petitioner is that he along with others
was going to unload the said liquor. It is alleged that petitioner



and others managed to escape from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 23.04.2022 and bears criminal antecedent of two cases of similar nature. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Nothing has been recovered from possession of the petitioner. Petitioner is not apprehended on the spot.

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, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur in connection with Chakmehsi P.S. Case No. 63 of 2021, Excise Registration No. 505 of 2021, 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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