

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44467 of 2022

Arising Out of PS. Case No.-166 Year-2020 Thana- INDUSTRIAL AREA District- Vaishali

Vikash Kumar @ Vikash Soni @ Vikash Sah Son Of Rajesh Sah R/O
Mohalla- Katra, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Umesh Chandra Verma, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Hajipur Industrial P.S. Case No. 166 of 2020, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

In course of vehicle checking, the police intercepted a tempo bearing Registration No. BR31PA7013 and on search total 120 liters country made liquor was recovered, however, the driver of the tempo succeeded in fleeing away. Later on, the



owner of the tempo has been made accused.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner happens to the owner of the said tempo, which runs for the purpose of carriage of passenger/transportation of goods by the driver and he being owner was not even aware as to what was being carried by the driver of the said tempo, without his consent. He further submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. He also submitted that there is no compliance of Section 100 (4) of the Cr.P.C. as all the witnesses are police officials, apart from the fact that the petitioner is in custody since 29.03.2022 and after completion of the investigation, charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the vehicle in question which runs for transportation of goods/carriage of passengers had been running by driver of the tempo, further the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or



possession, apart from that the investigation of the crime is already complete and the charge-sheet has been submitted and there is no likelihood of commencement of the trial in near future, 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- 1st -cum-Special Judge, Excise, Vaishali at Hajipur, in connection with Hajipur Industrial P.S. Case No. 166 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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