

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44769 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MORO District- Darbhanga

VIKASH KUMAR @ VIKASH KUMAR SAHNI SON OF CHHOTU
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 : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-09-2022 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 Moro
P.S. Case No. 13 of 2022 registered for the offences punishable
under Sections 420, 467, 468, 471/34 of the Indian Penal Code
read with Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 3585.280 Litres illicit liquor from different vehicles in
question. Accusation against the petitioner and others to get the
said vehicles unloaded.

Learned counsel for the petitioner submits that



petitioner is in custody since 30.05.2022. Petitioner bears two criminal antecedents of similar nature. Learned counsel further submits that petitioner is not apprehended on spot. Petitioner is neither owner nor driver of alleged vehicles in question. Nothing has been recovered from the conscious possession of the petitioner. Except disclosure of the apprehended co-accused nothing is available on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot 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 – II, Darbhanga in connection with Moro P.S. Case No. 13 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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