

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44341 of 2022

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

VIKASH KUMAR SAHU @ VIKKY Son of Mahesh Prasad Sah @ Mahesh Sah Resident of Village - Kharagdiha, P.S.- Jamua, District - Giridih (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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 Matihani P.S. Case No. 16 of 2020 registered for the offences punishable under Sections 120(B) and 30(a), 32 of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 4812.84 litres Indian made foreign liquor from truck in question and 27 litres Indian made foreign liquor from Scorpio in question.

Learned counsel for the petitioner submits that



petitioner is in custody since 07.07.2022. Petitioner bears one criminal antecedent which is not of similar nature. Learned counsel further submits that petitioner is not named in the F.I.R. Petitioner has been implicated as owner of Scorpio vehicle in question. Seizure list has not been made as per law. Co-accused Sanjay Kunwar has already been granted bail vide Cr. Misc. No. 29871 of 2020 by a co-ordinate bench of this Court as mentioned at Annexure – 3 of the bail petition and the case of present petitioner stands on better footing. Nothing has been recovered from the conscious possession of the petitioner.

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 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge - 1st , Begusarai in connection with Matihani P.S. Case No. 16 of 2020, 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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