

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45316 of 2022

Arising Out of PS. Case No.-233 Year-2022 Thana- VAISHALI District- Vaishali

Vikash Kumar Son of Jay Narayan Sharma Resident of Village - Mishrauliya
Afzalpur, P.s.- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudra Deo, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Rudra Deo, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Vaishali P.S. Case No. 233 of 2022 for the
offences punishable under Sections 30(a), 32(ii) 41(i) of the
Bihar Prohibition & Excise Amendment Act.

The police on a secret information conducted raid
and in course of the aforesaid raid petitioner was
apprehended and on search total 08.640 liters Indian made
foreign liquor was recovered from a bag carried by the



petitioner. It is also alleged that on the disclosure made by Vikash Kumar, other co-accused persons were also apprehended and huge quantity of illicit liquor was recovered.

Learned counsel for the petitioner submits that petitioner has no concern with the bag which was seized by the police however only because of the past criminal antecedent his name has been implicated in this case. He next submits that there is no compliance of section 100(4) of the Code of Criminal Procedure apart from the defiance of section 81 and 82 of the Bihar Prohibition & Excise Act. He further submits that now the investigation of the crime is already completed and the charge sheet has been submitted and petitioner is in custody since 20.06.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has named in one other case.

Regard being had to the submission made on behalf of the parties and considering the fact that investigation of the crime is already completed and the charge sheet has been submitted and there is no likelihood



of the commencement of the trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise,-II cum Additional Sessions Judge, Vaishali in connection with Vaishali P.S.Case No. 233 of 2022 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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