

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45662 of 2022**

Arising Out of PS. Case No.-299 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Vivek Kumar S/O Sikendra Yadav Resident of village- Bishnupur, Ward No-11, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Ms.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 09-11-2022 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Madhepura Excise P.S. Case No. 299 of 2022, registered for

the offences punishable under Section 30 (a) Bihar

Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 6.855 liters of cough syrup has

been recovered from the shop of the petitioner.

The Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He also submits that the allegation is totally false and

fabricated. He also submits that nothing has been recovered



from his shop.

The petitioner has been languishing in jail since 11.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the quantity of contraband recovered, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Addl. Session Judge-4th cum Special Judge Excise, Madhepura in connection with Madhepura Excise P.S. Case No. 299 of 2022, on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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