

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47000 of 2022

Arising Out of PS. Case No.-261 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Vikash Yadav @ Vikash Kumar, Son Of Shri Ganesh Yadav, R/O Village-
Pithahi, Tola- Bidhaniya, P.S. And District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha, Advocate

For the Opposite Party/s : Mr.Asha Kumari,A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Jagdishpur (Gouradih) P.S. Case No. 261 of
2022 registered for the alleged offences under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016 and under Section
279 of the Indian Penal Code.

As per prosecution case, petitioner was apprehended
with his vehicle and on search of the vehicle, 150.480 liters of
India made foreign liquor was recovered.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this

case. The petitioner is the driver of the vehicle and he has been carrying the goods under the instruction of its owner. During investigation, the police did not collect any material to show the involvement of the petitioner in trafficking of illicit liquor. Nothing incriminating has been recovered from the conscious possession of this petitioner and vehicle does not belong to this petitioner from which recovery has been made. Charge sheet has been submitted in this case and the petitioner is in custody since 26.06.2022. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 261 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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