

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45294 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

Vikki Ram Son Of Late Shambhu Ram R/O Village- Bhukhar Mohalla, P.S.
And District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, 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. Satya Prakash Parasar, 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 Malaypur P.S. Case No. 58 of 2021 for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and section 30(a), 36, 41(1) of the Bihar Prohibition & Excise (Amendment) Act 2018.

The police in course of vehicle checking intercepted one Maruti Suzuki Desire and apprehended four persons. It is further alleged that on search total 90 liters



Indian made foreign liquor was recovered. It is also alleged that in course of vehicle checking one truck was also intercepted and huge quantity of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor he was apprehended at the spot however, the apprehended co-accused persons namely, Vikash Kumar disclosed the name of the petitioner as one of the associate indulged in trafficking of illicit liquor. He next submits that co-accused Vikash Kumar, on whose disclosure the name of the petitioner has transpired has already allowed privilege of bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 69169 of 2021 vide order dated 22.12.2021 and other co-accused persons having identical allegation have also been allowed privilege of bail by different Benches of this Court. He last submits that the name of the petitioner has been implicated in this case only on account of one past criminal antecedent of similar nature and he is in custody since 20.04.2021 and now the charge sheet has already been submitted.



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

Regard being had to the submission made on behalf of the parties and considering the fact that other co-accused persons having identical allegation have already been allowed bail on whose confession the name of petitioner has been transpired in this case and so far as the petitioner is concerned, he is in custody since 20.04.2021 and moreover, the investigation of the crime is already complete, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Jamui in connection with Malaypur P. S. Case No. 58 of 2021 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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