

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46996 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

Vikash Kumar Saho @ Vicky Sawant @ Vicky Sao, Son of Mahesh Prasad
Saw, R/o village- Khargdiha, P.S.- Jamuwa, District- Giridih, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Today, this case has been listed on priority basis, on
the motion slip filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ravindra Kumar, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Malaypur P.S. Case No. 57 of 2021 registered
for the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and Sections 30(a)/36/41(i) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The police in course of patrolling, intercepted a Truck,



bearing Registration No. CG 04DM 4088 and on search total 2160 litres of Indian made foreign liquor was recovered. The apprehended driver disclosed the name of the persons, who were sitting in a car escorted the said truck and on the aforesaid disclosure four persons were apprehended, including the co-accused Binod Kumar Yadav. It is further alleged that co-accused Binod Kumar Yadav disclose the name of various persons, including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the co-accused Binod Kumar Yadav, there is no cogent material suggesting the complicity of the petitioner. He further submits that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case, showing the high handedness of the police. He further submits that the another co-accused, namely, Anil Singh @ Anil Kumar Singh, having identical allegation, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 29855 of 2022 vide order dated 05.08.2022. He further submits that



there is no compliance of Section 100 of the Cr.P.C. and moreover the petitioner is in custody since 22.07.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious possession and now the investigation of the crime is already complete and charge-sheet has been submitted and co-accused person, having identical allegation, has already been granted bail by the learned coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty 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. 57 of 2021, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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