

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56148 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- AMBA District- Aurangabad

Vikash Kumar @ Bikash Kumar S/o Jawahar Singh @ Jawahar Yadav
Resident of Village- Kataria, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 10-02-2022 The applicant is given out of turn hearing on the ground of illness of his wife and on earlier occasion the learned Additional Public Prosecutor was directed to verify the genuineness of the ground.

The applicant/accused in Crime No. 112 of 2021 registered with Amba Police Station for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

The learned Additional Public Prosecutor opposed the application by contending that the applicant was found to



be possessing 560 liters spirit which was being transported in Innova vehicle.

I have considered the submissions so advanced and also perused the materials placed before me.

It is reported that the applicant is not having any criminal antecedent so far as the offence under the Excise Act is concerned. It is case of the prosecution that during the course of checking, on the basis of the secret information, Innova vehicle was stopped. The applicant was found travelling in the Innova vehicle. The driver of that vehicle was successfully in running away. Total 560 liters of spirit came to be seized from that vehicle.

The Investigation of the subject crime is over. The applicant is already undergoing pretrial detention from 12.08.2021. Hence, I seen no reason to deny bail to the applicant and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 112 of 2021 registered with Amba Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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