

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46759 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- NAUBATPUR District- Patna

Vikash Kumar, Son of Sh. Uma Shankar Prasad, R/O Naubatpur Tarbanna,
Police Station- Naubatpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Naubatpur P.S. Case No. 254 of 2022 registered
for the alleged offences under Sections 420, 467, 468, 471 of the
Indian Penal Code and Sections 30 (a), 32 (i) (ii), 36 and 41 (i)
(ii) of the Bihar Prohibition and Excise Act.

As per prosecution case, on secret information about
unloading of huge quantity of illicit liquor from a Pick up van,
the police intercepted the said pick up van and 315 liters of
India made foreign liquor has been recovered from the seized
pick up van. The co-accused persons and the petitioner are said



to have fled away. However, the village Chaukidar named the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has nothing to do with the seized vehicle or the recovered liquor. The co-accused person has been granted bail by a Coordinate Bench of this Court vide order dated 27.08.2022 passed in Cr. Misc. No. 40953 of 2022. The charge sheet has been submitted in this case. The petitioner is in custody since 24.05.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Special Judge, Excise,



Danapur at Patna, in connection with Naubatpur P.S. Case No. 254 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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