

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57911 of 2021**

Arising Out of PS. Case No.-313 Year-2021 Thana- NAUBATPUR District- Patna

MD. VIKKY Son of Md. Ali Emam R/v- Ishapur, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      02-02-2022                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Special Case No. 3857 of 2021 arising out of Naubatpur P.S. Case No. 313 of 2021 registered for the offences punishable under Sections 30(a), 38, 41 of the Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 4645.440 litres of illicit foreign



liquor from a secret chamber.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR that nothing has been recovered from conscious possession of the petitioner rather the recovery of nine bottle foreign liquor has been made from the house of Dipu Singh and petitioner and co-accused were caught at the place of occurrence. He further submits that on the basis of confessional statement of co-accused Sanjay Kumar and petitioner police recovered huge quantity of liquor from a secret chamber. He further submits that petitioner was apprehended in Naubatpur P.S. Case No. 312 of 2021 on 27.06.2021 and thereafter, he was remanded in this case on 20.07.2021. Learned counsel further submits that alleged recovery has been made from the house of co-accused Dipu Singh. Petitioner is in custody since 20.07.2021 in the present case.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Special Case No. 3857 of 2021 arising out of Naubatpur P.S. Case No. 313 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation 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.

**(Rajesh Kumar Verma, J)**

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