

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53141 of 2022

Arising Out of PS. Case No.-93 Year-2019 Thana- KUDHNI District- Muzaffarpur

Vivek Kumar Son of Sri Jagarnath Yadav R/O Vill.- Lalpokhar Dighi Kala,
P.S.- Sadar, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kudhani P.S. Case No. 93 of 2019 registered
for the alleged offences under Sections 272, 273 and 34 of the
Indian Penal Code and under Sections 30(a) and 10 of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, on secret information, a
truck was intercepted and from this truck, 3784.200 liters of
India made foreign liquor and beer, respectively was recovered.
The persons sitting in the truck fled away on seeing the police
party. The petitioner was named in this case on the basis of his

Aadhar card which was found in the truck.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been named in this case merely on the basis of recovery of his Aadhar card from the truck. The petitioner has no concern either with the seized truck or the allegedly seized liquor. Charge sheet has been submitted in this case and the petitioner is in custody since 19.07.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and his arrangement in this case only on the basis of recovery of Aadhar card in the truck and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named 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 Court No.-II, Muzaffarpur in connection with Kudhani P.S. Case No. 93 of 2019, 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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