

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64564 of 2021**

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

Vikash Kumar Modi @ Vikash Kumar Son of Bajrangi Modi Resident of
Village - Bodhwan Talab, P.S. and District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar
For the Opposite Party/s : Mr. Sucheta Yadav

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

4 09-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act.

Recovery is of total 2160 liters of illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list that nothing



has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the Truck in question. He further submits that the petitioner is neither the owner of the Truck nor the driver of the said vehicle. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Binod Kumar and Jivan Kumar have been granted bail by this Court vide order dated 11.03.2022 passed in Cr. Misc. No. 62897 of 2021 and Cr. Misc. No. 62016 of 2021. The petitioner is in custody since 08.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one.

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 Court below where the case is pending in connection with Malaypur P.S. Case No. 57 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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