

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67152 of 2021**

Arising Out of PS. Case No.-522 Year-2021 Thana- SASARAM NAGAR District- Rohtas

Vicky Kumar @ Viki Kumar S/O Krishna Chaudhary, R/o Mohalla-Safullaganj, Sasaram, P.S.- Sasaram (Town), District- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh, Advocate

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

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

2 08-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sasaram (Town) P.S. Case No. 522 of 2021, registered for the offence under Sections 30(a), 36 of the Bihar Prohibition and Excise Act and 25(1-b)a, 26, 35 of the Arms Act.

Recovery is of 24 litres of foreign liquor of different brands made from the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in the present case. He further submits that nothing



has been recovered from the conscious possession of the petitioner. He further submits that the name of the petitioner has come in confessional statement of co-accused namely Munna Chaudhary that co-accused Akash Chaudhary and Satyendra Chaudhary is own brother of the petitioner indulged in the liquor business. He further submits that petitioner was arrested only on the basis of suspicion. He further submits that the police after investigation submitted charge-sheet against the petitioner and four other accused persons. The petitioner is in custody since 28.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, 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 learned Addl. Sessions Judge-2nd-cum-Special Judge, Excise, Rohtas at Sasaram, in connection with Sasaram (Town) P.S.Case No. 522 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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