

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57067 of 2022

Arising Out of PS. Case No.-346 Year-2019 Thana- PATNA CITY CHOWK District- Patna

Vikas Kumar @ Black Beri, Son of Late Surendra Roy, Resident of Muhalla -
Kanganghat, P.S.- Chouk, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
		Mrs. Priya Rani, Advocate
For the Opposite Party/s :		Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Chouk P.S. Case No. 346 of 2019 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, two persons were found
carrying two jute bags on a motorcycle and on seeing the police
party, they fled away from the spot leaving behind their
motorcycle and jute bags. On search of the jute bags, 200 liters
of illicit country made liquor was recovered. The petitioner was

named by the crowd who assembled at the spot.

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 the conscious possession of the petitioner. The prosecution story as it appears from the F.I.R., is completely false and fabricated. The petitioner has no concern with the seized motorcycle or with the allegedly recovered liquor. He has been named in this case merely on suspicion. Charge sheet has been submitted in this case and the petitioner is in custody since 23.08.2022.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. Learned A.P.P. further submits that the petitioner has got a long criminal history and is accused in a number of cases.

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 his conscious possession 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 Exclusive Special Judge, Excise, Patna City in connection with Chouk P.S. Case No. 346 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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