

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70942 of 2021**

Arising Out of PS. Case No.-276 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Vikash Kumar S/o Sanjay Mahto R/o Village/ Mohallah- Dalsingsarai, Gudri
Road, Ward No.08, P.S.- Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Aprajita, Advocate

For the Opposite Party/s : Ms. Meena Singh, A.P.P.

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

2 11-03-2022 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 connection with Excise P.S.
Case No. 276 of 2021 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Recovery is of 846 liters of illegal foreign liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence
and he has falsely been implicated in the present case. He
further submits that it appears from the F.I.R. that the alleged



recovery of 846 liters of foreign liquor was recovered from the Mahindra Pickup Van in question. He further submits that nothing has been recovered from conscious possession of the petitioner and the petitioner is the driver of the said vehicle in question and he has no concern with the alleged recovery. He further submits that after investigation police has submitted the charge sheet against the petitioner. The petitioner is in custody since 05.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

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 Additional District Judge-II-cum-Special Judge (Excise), Gaya in connection with Excise P.S. Case No. 276 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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