

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72544 of 2021

Arising Out of PS. Case No.-431 Year-2019 Thana- KUDHNI District- Muzaffarpur

VIKASH KUMAR @ VIKASH KUMAR RAY Son of Satya Narayan Ray
Resident of Village - Kerma Naya Tola, Police Station - Kudhani, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur

For the Opposite Party/s : Mr.Arvind Kumar Pandey(App84)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Kudhani. P.S. Case No. 431 of 2019 registered
for the alleged offences under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, police recovered 41.250
liters of India made foreign liquor from a parked vehicle. It is
alleged that the petitioner and other co-accused persons have
brought the liquor and were selling the same.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is not the owner of the vehicle from which recovery has been made. Charge sheet has been submitted in this case and the petitioner is in custody since 21.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got three criminal cases pending against him which are of similar nature.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been made from the petitioner and considering his period of custody along with fact of submission of charge sheet, 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 Act, Muzaffarpur in connection with Kudhani P.S. Case No. 431 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) The bail bond of the petitioner will

be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the person, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for 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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