

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3473 of 2023

Arising Out of PS. Case No.-613 Year-2022 Thana- DARIYAPUR District- Saran

Vivek Kumar S/o Kameshwar Ray R/o Tarwa Magarpal, P.S.- Dariyapur,
Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
14.11.2022 in connection with Dariyapur P.S. Case No. 613 of
2022, F.I.R. dated 12.11.2022 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 150 liters of country made liquor.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. 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 bank of river Gandak. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases 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 Additional District & Sessions Judge-II-cum-1st Exclusive Special Judge Excise, Saran (Chapra) in connection with Dariyapur P.S. Case No. 613 of 2022, 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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