

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6481 of 2023

Arising Out of PS. Case No.-132 Year-2021 Thana- GOPALPUR District- Bhagalpur

BIKASH KUMAR S/O SIKANDAR YADAV R/v- Bandehra, P.S.- Pasraha,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
26.10.2022 in connection with Gopalpur(Rangra) P.S. Case No.
132 of 2021, G.R.No.430/21, F.I.R. dated 21.03.2021 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

Recovery is of 89.25 liters of Indian made foreign
liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case on the basis of the disclosure
made by co-accused persons, namely, Suraj Kumar and
Dharmraj Kumar Paswan. Further submits that from bare



perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the Scorpio and Pick-up-Van in question and the petitioner is neither the driver nor the owner of the vehicle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question and co-accused persons, namely, Atal Kumar, Vikash Kumar and Suraj Kumar have been granted bail vide orders dated 29.10.2021, 14.12.2021 and 21.02.2022 passed in Cr. Misc. Nos.37533 of 2021, 38416 of 2021 and 49394 of 2021 respectively by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner, having clean antecedent, 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 Exclusive Special Excise Judge-1, Bhagalpur in



connection with Gopalpur(Rangra) P.S. Case No. 132 of 2021,
G.R.No.430/21, 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.

(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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