

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13336 of 2023

Arising Out of PS. Case No.-497 Year-2022 Thana- BEUR District- Patna

VIKASH KUMAR @ BHOMA SON OF DHURI RAI R/O VISHUNPUR
PAKRI, P.S.- BEUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
16.10.2022, in connection with Special Case No. 6421 of 2022,
arising out of Beur P.S. Case No. 497 of 2022, F.I.R. dated
03.10.2022 registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

The case relates to recovery of 162 litres of country
made Mahua liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely 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 or the house of the petitioner rather



recovery has been made from the vehicle in question and there is non compliance of Section 100 of the Cr. P.C. He further submits that the petitioner has no concern at all with the alleged recovery or the vehicle in question and the police after investigation submitted chargesheet against the petitioner and the petitioner has been remanded in the present case from Beur P.S. Case No. 516 of 2022 and he is in custody since 16.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and he has no concern at all with the alleged recovery, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 6421 of 2022 arising out of Beur P.S. Case No. 497 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 witness, 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 antecedents, 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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