

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20340 of 2023

Arising Out of PS. Case No.-245 Year-2021 Thana- RANIYATALAB District- Patna

Vikash Kumar, S/o Pramod Kumar Mahto, Resident of Village- Fatki Kutti,
P.S.- Madhepura, District- Madhubani, Bihar- Pin Code- 847408

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Rani Talab P.S. Case No. 245 of 2021 dated 23.12.21 registered
for the offences punishable under Sections 419, 420, 467, 468,
471 and 120 (B) of the Indian Penal Code and Sections 30 (a),
32(ii) (iii), 36 and 41 of Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
recovery of 2923.56 litres of illicit foreign made liquor and the
same is stated to have been recovered from a truck but the
petitioner was not arrested from the said truck and two co-
accused persons namely, Lalit and Sunil Kumar @ Sonu are
stated to have been arrested from the said truck as a driver and



co-driver of the said vehicle and they disclosed that the seized wine was to be delivered to this petitioner and the said co-accused persons have been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 42140 of 2022 and one co-accused namely Sanjiv Jha @ Sanjiv Kumar @ Sanjeev Kumar Jha, whose name also came into light in the statement of the said apprehended co-accused persons, has also been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 56864 of 2022. Further submissions are that the petitioner has been languishing in jail since 14.12.2022 and against him the investigation has been completed, though against him there are criminal antecedents of five cases but in most of the said cases, his name came into light in the statements of co-accused persons and he was remanded in the said cases.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the privilege of bail having been granted to above mentioned two co-accused persons who were apprehended with the alleged wine and the petitioner's name came into light in their statements and against the petitioner the investigation has been



completed and also taking into account his custody period and his young age, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Rani Talab P.S. Case No. 245 of 2021 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, on following condition:

The petitioner will be released after framing of charge and both the bailors must be parents of the petitioner and if the petitioner misuse the privilege of the bail then learned court below will take serious action against the petitioner by cancelling his bail bond as well as against the bailors as per procedure of law.

(Shailendra Singh, J)

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