

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18488 of 2023

Arising Out of PS. Case No.-332 Year-2021 Thana- BAKHARI District- Begusarai

VIKASH KUMAR Son of Rambadan Paswan R/V- Sahebpur Kamal, Ward
No. 6, P.S- Sahebpur Kamal, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-04-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned
APP for the State.

It is submitted by learned counsel for the petitioner that a soft copy of supplementary affidavit with regard to new facts has been filed and in this regard permission is required to file its hard copy.

Permission is accorded and the same is directed to be kept on record.

Petitioner seeks regular bail in connection with Bakhri
P.S. Case No. 332 of 2021 dated 17.11.2021, registered for the



offences punishable under Sections 414, 467 and 120(B) of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution, the police personnel on secret information apprehended co-accused Manoj Mahto @ Manoj Mahton and seized the alleged truck. Further it is alleged that co-accused disclosed that the said truck belongs to this petitioner and upon search from the said truck total 2964.96 Liters of foreign liquor with other articles were recovered.

The main submissions advanced by petitioner's counsel are that against the petitioner there is a criminal antecedent of one case in which he is on bail, he was not arrested at the spot, he is not the owner of the alleged truck whereas other person namely, Shachindra Kumar Jaiswal is the owner of the alleged truck from which the recovery of the alleged wine was made and the petitioner works as a Manager of the said Shachindra Kumar Jaiswal and on the alleged date of occurrence the alleged truck was being run for commercial purpose regarding which the petitioner had no knowledge and the petitioner himself surrendered before the police and he has been languishing in jail since 07.02.2023 and against him the investigation has been completed. Further submission is that the



co-accused persons Mukesh Paswan, Manoj Mahato@ Manoj Mahton and Anil Kumar @ Anil Mahto have been granted regular bail by different Benches of this Court vide orders passed in Cr. Misc. Nos. 38980 of 2022, 2001 of 2022 and 19823 of 2022 respectively, among them co-accused Manoj Mahto @ Manoj Mahton who was arrested at the spot is also on bail and three co-accused persons namely Pushpam Kumar, Sonu Raj @ Sudhir Kumar and Guddu Kumar have been granted anticipatory bail by different Benches of this Court vide orders passed in Cr.Misc. Nos. 9813 of 2023 and Cr. Misc. No. 51593 of 2022 respectively.

Learned APP appearing for the State has opposed the prayer for bail.

Considering the above submissions and mainly the privilege of bail having been granted to above-mentioned co-accused persons including the co-accused who was arrested at the spot and also the facts that the investigation has been completed against the petitioner and he is stated to be the manager of Sachindra Kumar Jaisawal who is stated to be the owner of the alleged truck, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Bakhri P.S. Case No. 332 of 2021.

(Shailendra Singh, J.)

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