

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17913 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- BARAUNI District- Begusarai

VIPUL KUMAR S/o Late Kamdeo Singh @ Deepak Singh @ Deepak Kumar
Resident of village-Bihar, Maksaspur Tola, Police Station-Barauni (F.C.I.
O.P), District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.11.2022 in connection with Barauni P.S. Case No. 328 of
2022, F.I.R. dated 17.07.2022 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of total 87.84 liters of foreign liquor from
the vehicle.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the name of the petitioner
has been transpired during investigation on the basis of Aadhar
Card of the petitioner was recovered from the vehicle in



question. 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 the recovery has been made from the vehicle in question. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and petitioner has no concern at all with the alleged recovery of illicit liquor and petitioner is neither the driver nor the owner of the vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries four criminal antecedents other than the present one and the petitioner is on bail in all the cases as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired during investigation on the basis of Aadhar Card of the petitioner which was recovered from the vehicle in question, 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 Exclusive Special Judge, Excise-I, Begusarai in connection with Barauni P.S. Case No. 328 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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