

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17217 of 2023**

Arising Out of PS. Case No.-28 Year-2023 Thana- AMBA District- Aurangabad

1. VIKASH KUMAR RAM S/O Moti Ram Resident Of Village- Gandhi Nagar C.C.L Hospital, Atharthu Shyamnagar, P.S - Bariyatu, Distt- Ranchi (JHARKHAND)
2. VIKASH VERMA S/O Mahesh Verma R/O Village- Moravadi Adlantu, P.S- Bariyatu, Distt- Ranchi (jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prabhakar Singh, Advocate  
For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

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

2. Petitioners seek regular bail in connection with Amba P.S. Case No. 28 of 2023, dated 24.01.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioners' counsel are that the instant matter relates to the recovery of 342 litres of *English Wine* and the same is stated to have been recovered from *Tata Sumo vehicle* but the petitioners were not arrested from the said vehicle and according to prosecution they were arrested near the vehicle in fleeing position when they



attempted to flee on seeing the police party and accordingly the alleged wine was not recovered from the conscious possession of the petitioners and they have fair and clean antecedent. Further submissions are that both the petitioners are neither owner nor driver of the alleged vehicle and they have no concern with the said vehicle and the seized liquor and the petitioner No. 1 has been wrongly shown as driver in the FIR and against the petitioners investigation has been completed and they have been languishing in jail since 25.01.2023.

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

5. Considering the above submissions and mainly petitioners' fair and clean antecedent as mentioned in the petition and completion of investigation against them, in my opinion it is a fit case for bail to the petitioners. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Amba P.S. Case No. 28 of 2023 on the following conditions:-

(i) The petitioners will be released after the framing of charge.



(ii) Both the bailors of each petitioner shall be the local residents within the jurisdiction of the trial court, having sufficient immovable property to the satisfaction of the trial court.

(iii) The trial court will verify the criminal antecedent of the petitioners from the Director General of Police (DGP), Jharkhand through Superintendent of Police (S.P.), Aurangabad and if any criminal antecedent of the petitioners is found then the trial court will take serious action against him/them by cancelling his/their bail bond and also take serious action against the bailors as per the procedure of law.

**(Shailendra Singh, J.)**

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