

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40072 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- MIRGANJ District- Gopalganj

Vikash Kumar Singh @ Vikash Kumar @ Vikash Singh S/O Ramakant Singh
R/O Village- Harkhauli, Mauja, Ps. Mirganj, Dist. Gopalganj.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vyas Kumar Mishra, Advocate
		Mr. Anirudh Kumar Verma, Advocate
For the Opposite Party/s :		Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mirganj
P.S. Case No. 165 of 2022 registered for the offence under
Sections 414/34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Amendment Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.05.2023.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 482.940 litres of foreign liquor from the alleged Scorpio.

Learned counsel appearing on behalf of the petitioner submitted that petitioner named in present case only out of suspicion of his criminal antecedents, as he found involved in 16 criminal cases, where he is on bail in all cases. It is submitted that petitioner not apprehended on the spot and his name surfaced in this case also on the basis of suspicion by local Chaukidar as of earlier case. It is submitted that nothing appears during course of investigation, which may connect petitioner *prima facie* with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged illicit liquor not appears to be recovered from the physical possession of this petitioner, where his name appears on the basis of suspicion of local chaukidar, coupled with the fact that charge-sheet has



already submitted, where petitioner is in custody since 02.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Mirganj P.S. Case No. 165 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-Cum Special Judge, Excise Court No.-II, Gopalganj/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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