

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.42828 of 2023**

Arising Out of PS. Case No.-309 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Vaishali

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VIKESH KUMAR SON OF BRAJESH PATEL RESIDENT OF VILLAGE-  
HIHALPUR (PATEL CHOWK), WARD NO. 7, PS- INDUSTRIAL AREA,  
DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

- 2      26-07-2023                      1. Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.
2. The petitioner seeks bail in connection with Excise  
P.S. Case No.309 of 2023 registered for the offence under  
Sections 30(a), 32 (i) (iii) and 41 (i) (ii) of the Bihar Prohibition  
and Excise Act.
3. The accused/petitioner is named in the F.I.R. and is  
in custody since 01.05.2023.
4. The allegation against the petitioner is to be  
engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 120 litres of IMFL.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor appears to be made from jointly occupied motorcycle and not from the conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent and in custody since 01.05.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Excise P.S. Case No.309 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1-cum Additional District and Sessions Judge, Vaishali at



Hajipur/concerned court, subject to the conditions as mentioned  
under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

S.Tripathi/-

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