

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45004 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- GHORASAHAN District- East
Champaran

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VIVEK KUMAR S/o VISHWANATH SAHANI Resident of village - Chhota
Bariyarpur, P.S. - Chatauni, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kunal Tiwary, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
15.05.2023 in connection with Ghorasahan P.S. Case No. 268
of 2023, F.I.R. dated 14.05.2023 registered for the offence
punishable under Sections 30(a),41(i) of Bihar Prohibition
and Excise Amendment Act, 2018.

3. Recovery is of 103.8 liters of Nepali liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits
that from bare perusal of the FIR as well as the seizure list
that nothing has been recovered from conscious possession of



the petitioner rather the recovery has been made from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 15.05.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, nothing has been recovered from possession of the petitioner, having clean antecedent, 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 learned Special Judge, East Champaran at Motihari in connection with Ghorasahan P.S. Case No. 268 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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