

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46803 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

VICKY KUMAR @ VIKKY KUMAR Son of Badlu Ray @ Badalu Ray
Resident of village - Uttri Dhamaun, P.S - Shahpur Patori, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Shahpur Patori P.S. Case No.161 of 2023 registered for the
offence under section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 13.03.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 80 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that present recovery, as per seizure list,
appears to be made from maize field, which is an open place,



accessible to general public, as such, it can be said safely that recovery of alleged illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that seizure list is also appearing doubtful, as seizure list is not supported by independent witnesses, rather same is supported by police personnels. While concluding the argument, it is submitted that petitioner found involved in 01 more criminal case, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor appears to be made from open field coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 13.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Shahpur Patori P.S. Case No.161 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 2nd Special Judge (Excise), Samastipur /concerned court, subject to the condition as mentioned under



Section 437(3) of the Cr.P.C. with further conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the 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 of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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