

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54197 of 2023

Arising Out of PS. Case No.-534 Year-2023 Thana- KANTI District- Muzaffarpur

VIKASH KUMAR Son of Sakal Sah Resident of Village-Chainpur, P.S.-
Kanti, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 04-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 14.07.2023 seeks
bail, in connection with Kanti P.S. Case No.534/2023, dated
14.07.2023, for the offences punishable under Sections 30(a),
32(i) and 36 of Bihar Prohibition and Excise Act.
3. According to prosecution case, total 135 litres of
foreign liquor has been recovered from the possession of the
petitioner and total 196.200 litres of foreign liquor has been
recovered from the co-accused namely Ankur Kumar.
4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from
perusal of the F.I.R. as well as seizure list, it appears that 135



litres of foreign liquor has been recovered from the house of the petitioner and 196.2 litres of foreign liquor has been recovered from the house of co-accused namely Ankur Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the joint house property of the petitioner. He further submits that there is non-compliance of Section 100 Cr.P.C. and the petitioner is in custody since 14.07.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 the learned Special Judge (Excise) Court No.II, Muzaffarpur in connection with Kanti P.S. Case No. 534/2023, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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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