

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53520 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- BAKHTIYARPUR District- Patna

VIKASH KUMAR son of Lal Babu Ray Village- Raghopur Nayatola Ward
no-27, Ps- Bakhtiyarpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Kumar Singh, Advocate
		Mr.Prince Kumar Mishra, Advocate
For the Opposite Party/s :		Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard Mr. Rahul Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner is in judicial custody in connection with Bakhtiyarpur P.S. Case No.260 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 06.06.2023 by the informant Jyoti Kumar Bashu.

As per the prosecution story, the allegation is that the police saw accused persons hiding a plastic bag inside the bush. He tried to escape but was apprehended and from the bush, 850 liters countrymade liquor was recovered/seized followed by FIR.

It is the case of the petitioner that the alleged recovery is from the bushes, he was a passerby, apprehended only



because he has criminal antecedent and is in custody since 17.06.2023 (para-18 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the fact that the recovery is from an open place, he is young boy of 20 years, is in custody since 17.06.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bakhtiyarpur P.S. Case No.260 of 2023 to the satisfaction of learned Exclusive Special Judge Excise, Barh , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

Before parting, this Court would like to put on record its word of appreciation for Mr. Rahul Kumar Singh, learned counsel appearing on behalf of the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan

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