

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62677 of 2022

Arising Out of PS. Case No.-470 Year-2022 Thana- MASAUDHI District- Patna

Vikash Kumar, Male, aged about 26 years, Son of Sri Ajit Ram Resident of village - Koriyawa, P.S.- Masaurhi, District - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabha Mishra, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Masaurhi P.S. Case No. 470/2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

In a 'Tata Sumo' vehicle, there is alleged recovery of 250 litres (two hundred fifty litres) of country made '*mahua*' wine.

Learned counsel for the petitioner submits that the petitioner's implication is without any basis. He was hired just to drive the laden vehicle, and had no knowledge about the illicit liquor being loaded in the vehicle. Petitioner having no criminal antecedents, is in custody since 27.07.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation, and the fact that investigation is complete, this Court,



for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Excise Court, Patna, in connection with Masaurhi P.S. Case No. 470/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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