

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61693 of 2023

Arising Out of PS. Case No.-204 Year-2023 Thana- SISWAN District- Siwan

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Vishal Kumar @ Golu S/O Santosh Prasad R/O Village- Bhagar, P.S- Siswan,
Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
30.07.2023 in connection with Siswan P.S. Case No. 204 of
2023, F.I.R. dated 29.07.2023 for the offences punishable under
Sections 30(a) of Bihar Prohibition and Excise Act.

3. According to prosecution case, the informant on
secret information recovered 96 liters of foreign liquor from a
Bolero vehicle.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from
perusal of the FIR it appears that nothing has been recovered
from the conscious possession of the petitioner, rather the



recovery has been made from the vehicle in question, although the petitioner is owner of the vehicle in question, but he has no concern with the alleged recovery of the illicit liquor. Further, submits that there is non-compliance of Section 100 of the Cr.P.C. and the petitioner is in custody since 30.07.2023.

5. The learned Additional Public Prosecutor 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 Exclusive Special Excise Court No.II, Siwan in connection with Siswan P.S. Case No. 204 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan

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