

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60921 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- BYPASS District- Patna

Vinod Kumar @ Budhawa @ Vinod Beldar Son of Fekan Beldar Resident of
Beldari Tola, Bahari Begampur, P.S- Bypass, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Bypass P.S.Case No. 48 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition Act and Excise (Amendment) Act, 2018.

As per prosecution case, police received information about FIR named co-accused persons indulging in illicit trade of country made liquor. A raid was conducted, but the co-accused persons fled away from the spot and recovery of 221 litres of illicit country made *mahua* liquor was made from the spot. The name of the petitioner transpired during investigation as another accused who was involved along with other co-accused persons in the trade of illicit liquor.



Learned counsel for the petitioner submits that petitioner is not named in the FIR and no recovery has been shown from his conscious possession. He has been named on the basis of confessional statement of co-accused which has got no legal sanctity. The petitioner has no concern with the allegedly seized liquor. The petitioner is in custody since 27.08.2022 and charge sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Bypass P.S.Case No. 48 of 2022, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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