

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62240 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- BIDUPUR District- Vaishali

Vikash Kumar S/o Kapil Rai @ Kapil Singh R/o Village- Kanchanpur
(Rahimapur), P.S.- Bidupur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Ms. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

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

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

Petitioner seeks bail in connection with Bidupur P.S. Case No.
275 of 2021 registered under Section 30(a) of Bihar Prohibition and
Excise Act.

Illegal consignment of 1152.585 litres IMFL and 168 litres
beer has allegedly been unloaded in a banana orchard, as per secret
information received by police. They have recovered the said illicit
liquor from a hut situated in the banana orchard.

Learned counsel for the petitioner submits that recovery is
from a place, which is accessible to one and all and not from the
petitioner. Petitioner's implication, in the instant case, is allegedly on



secret information though he has no concern with the recovery. It is submitted that it is a case of false implication as a sequel to the earlier case lodged against him in similar manner. He is in custody since 14.09.2022.

Learned APP 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 is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 1-cum-Additional Sessions Judge, Vaishali at Hajipur in Bidupur P.S. Case No. 275 of 2021, 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.

(Madhuresh Prasad, J)

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