

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63990 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- CHACKMEHSI District- Samastipur

VIJAY KUMAR, Son of Dev Narayan Mahto, R/V- Kusiyaari, P.S-
Chakmehsi, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

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

The petitioner seeks bail in connection with Chakmehsi
P.S. Case No. 125 of 2022 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

There is alleged recovery of 917.7 litres illicit liquor from
a Mahindra pickup van and a motorcycle.

Learned counsel for the petitioner submits that on account
of registered ownership of the vehicle in the petitioner's name, he has
been implicated. The petitioner, as per prosecution case, was not
present at the time and place of recovery. There is no recovery of
incriminating material from him. The driver of the pickup van from
which 900.42 litres illicit liquor has allegedly been recovered has
disclosed the petitioner's name. His implication is due to his two



antecedents, in which he is on bail. He is in custody since 30.09.2022. The recovery is denied and disputed and is stated to be not in accordance with law.

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

Having regard to the manner of recovery, the submissions advanced by the parties, period of custody 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 bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court-I, Samastipur, District- Samastipur, in connection with Chakmehsi P. S. Case No. 125 of 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.

(Madhuresh Prasad, J)

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