

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65316 of 2022

Arising Out of PS. Case No.-560 Year-2022 Thana- MASAUDHI District- Patna

Vicky Kumar @ Vikki Kumar @ Vikki Yadav S/o Late Surendra Yadav
Resident of village- Badai Tola, P.S.- Masaudhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Mr. Om Prakash Singh
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Masaudhi P.S. Case No.560 of 2022/ Special Case No. 5202
of 2022, registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 130.875 liters of foreign liquor
has been recovered from the bushes kept near a cow shed.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case merely on the basis of suspicion. He further submits
that nothing has been recovered from the conscious



possession of the petitioner. He also submits that the land from which the alleged recovered was made doesn't belong to the petitioner. He also submits that there is no material found during investigation which could connect the petitioner with the alleged recovery of liquor

He further submits that the petitioner has been languishing in jail since 28.08.2022

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special



Judge, Excise, Patna in connection with Masaudhi P.S. Case No.560 of 2022/ Special Case No. 5202 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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