

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70190 of 2022

Arising Out of PS. Case No.-407 Year-2022 Thana- NAUTAN District- West Champaran

1. Vikash Sah @ Vikash Kumar, Male, aged about 28 years, S/O Sitaram Sah Resident of village- Chhota Bariyarpur, P.S.- Chhatauni, District- East Champaran.
2. Gudiya Kinnar, Female, aged about 35 years, W/O Vikash Sah Resident of village- Chhota Bariyarpur, P.S.- Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Ms. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-02-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Nautan P.S. Case No. 407/2022 registered for the offence punishable under Section 414 of the Indian Penal Code (for brevity 'I.P.C.') and 30(a) of Bihar Prohibition and Excise Act, 2016.

Prosecution alleges recovery of 146.880 litres (one hundred forty six litres & eight hundred eighty millilitres) of illicit liquor from the petitioner.

Learned counsel for the petitioners submits that they were travelling home after some pilgrimage and have been implicated by the police under extraneous considerations. Petitioner No. 1 has four criminal antecedents as per disclosure made in paragraph No. 3 of the bail application, whereas petitioner No. 2 has no criminal antecedents. It is submitted that investigation is complete. They are stated to be in custody since 29.07.2022.

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



Considering the rival submissions, manner of recovery, clean antecedents, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 407/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

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

(Madhuresh Prasad, J)

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