

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65910 of 2022

Arising Out of PS. Case No.-479 Year-2022 Thana- ARWAL District- Jehanabad

VIVEK KUMAR, Son Of Shyam Narayan Singh R/O Village- Dakshin
Aikauna, P.S.- Udbat Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 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.

Petitioner seeks bail in connection with Arwal P.S. Case No. 479 of 2022 registered under Sections 30(a) and 41 of Bihar Prohibition and Excise Act.

During routine checking, 260.25 litres illicit liquor has been recovered from a *Honda City* vehicle. The driver (co-accused) has stated that the consignment was to be delivered to the instant petitioner.

Learned counsel for the petitioner submits that other than statement of co-accused, extracted in custody, there is no cogent material to connect the petitioner, who is otherwise having clean antecedent. The petitioner has been in custody since 14.10.2022.



There is no recovery from the petitioner, even as per prosecution case. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submission, period of custody, clean antecedent 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 Special Judge Excise-II-Jehanabad in Arwal P.S. Case No. 479 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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