

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66530 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

VIKASH KUMAR S/o Kapil Singh R/v- Kanchanpur, P.S.- Bidupur, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3546 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

Rahul Kumar Son Of Vikash Rai R/O Village- Nawada Khurd, P.S.- Ganga
Bridge, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66530 of 2022)

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

(In CRIMINAL MISCELLANEOUS No. 3546 of 2023)

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Industrial Area P.S. Case No. 102 of 2022, registered for

the offences punishable under Sections 420, 465, 467, 468,

471 of the Indian Penal Code and 30(a), 36, 41(i) of the



Bihar Prohibition and Excise Act, 2016.

As per allegation total 1146.930 liter country-made foreign liquor was recovered from a truck bearing Registration No. UP84T2047.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics and enmity. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the name of the petitioners have been implicated in this case only on the basis of the confessional statement of other co-accused.

He further submits that the petitioners have been languishing in jail since 22.09.2022 and 14.10.2022, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Vikash Kumar has been made accused in ten other cases and the petitioner, namely, Rahul kumar has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court



earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Excise Court No. 1-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 102 of 2022, on the following conditions:

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

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

(iii) The petitioners 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 petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioners 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)

ramesh/-

U		T	
---	--	---	--

