

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70876 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- CHACKMEHSI District- Samastipur

Vinesh Kumar, S/O Late Damodar Sahni, Village- Chakdih, Ward No. 05, Ps.
Kalyanpur, Distt. Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chakmehsi P.S. Case No. 157/2023 lodged on 25.08.2023 under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. As per the prosecution case, total recovery of 284.4
litres of illicit foreign liquor is the subject matter of the present
case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. As per the
prosecution, itself the alleged recovery has been made from two
motorcycles and a Pickup van. The petitioner has no concern
with the alleged illicit liquor or the pick up van, however, the



motorcycle which has been seized from the petitioner belongs to his cousin. The petitioner is in custody since 26.08.2023 having clean antecedent.

4. Learned counsel for the State opposes the prayer for bail and submits that the recovery has been made from the petitioner.

5. In the present facts and circumstances of this case and the submissions made above, particularly, the petitioner having no criminal antecedent, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Samastipur, in connection with Chakmehsi P.S. Case No. 157/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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