

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72113 of 2022

Arising Out of PS. Case No.-756 Year-2022 Thana- ALAMGANJ District- Patna

VISHAL KUMAR, Son of Rashu Sahani @ Rasu Prasad, R/o Mittan Ghat,
near Khajekalan, P.S.- Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned APP for
the State.

Petitioner seeks bail in connection with Alamganj P.S. Case
No. 756 of 2022 registered under Section 414 of the Indian Penal
Code and Sections 30(a) and 36 of Bihar Prohibition and Excise
(Amendment) Act, 2018.

6 persons have been apprehended, while they were moving on
three motorcycles. It is alleged that from each motorcycle there is
recovery of 50 litres illicit liquor.

Learned counsel for the petitioner submits that petitioner was
a pillion rider. He has no concern with the motorcycle or alleged
recovery. Having clean antecedent, he is stated to be in custody since
28.09.2022. 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. It is further submitted that



similarly situated co-accused person namely Shankar Kumar has been allowed bail in *Cr. Misc. No. 66780 of 2022*.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, clean antecedent, period of custody, claim based on parity, and the fact that investigation is complete, this Court, for the limited purpose of grant of bail, is inclined to accept the submissions advance by the petitioner's counsel.

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, Patna City, in Alamganj P.S. Case No. 756 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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