

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1421 of 2023**

Arising Out of PS. Case No.-453 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Saran

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Vishal Kapoor S/o Late Bipin Kapoor R/o- House No. 90/11 Ground Floor  
Block C1 Rama Bihar Mohammadpur, PS- Mohammadpur, Uttar Paschimi  
Delhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                               |
|----------------------------|---|-------------------------------|
| For the Petitioner/s       | : | Ms. Vaishnavi Singh, Advocate |
|                            |   | Mr. Ritwik Thakur, Advocate   |
| For the Opposite Party/s : |   | Mr. Anil Kumar, APP           |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      24-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

Petitioner seeks bail who is in custody since  
17.09.2022 in connection with Excise P.S. Case No. 453 of  
2022, F.I.R. dated 16.09.2022 for the offences punishable under  
Section 30(a) of Bihar Prohibition and Excise Amendment Act,  
2018.

Recovery is of 151.56 liters of Indian made foreign  
liquor.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question and he has no concern at all with the illicit liquor. He further submits that the petitioner is driver of the vehicle. He further submits that there is non-compliance on Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum- 1<sup>st</sup> Exclusive Special Judge, Excise, Saran at Chhapra in connection with Excise P.S. Case No. 453 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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