

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73882 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- TAJPUR District- Samastipur

VIKASH KUMAR @ VIKAS KUMAR SON OF RAMESH PRASAD
CHAURASIYA @ RAMESH CHAURASIA R/O VILLAGLE- SAHIT RAJA
CHOWK, P.S.- VIDYAPATINAGAR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner seeks regular bail in connection with Tajpur (Halai O.P.) P.S. Case No. 283 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

The allegation is regarding recovery of 168.48 liters of illicit liquor from the house of one co-accused person, namely, Bhola Das, as also from the fast food hotel of the petitioner. It is alleged that as far as the recovery of illicit country made liquor from the hotel of the



petitioner is concerned, the quantity has been stated to be 5.760 liters.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 22.11.2022. The learned counsel for the petitioner has further submitted that considering the fact that the petitioner is having a clean antecedent and meager quantity of illicit liquor has been recovered from his hotel, which might be belonging to some guests, a sympathetic view be taken for the purposes of grant of bail to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent



and meager quantity of illicit liquor has been recovered from a hotel, apart from the fact that the petitioner is languishing in custody since more than two months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-02, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 283 of 2021.

(Mohit Kumar Shah, J)

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