

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77448 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Vikash Kumar Gautam @ Bikash Kumar Gautam S/O Kanhaiya Prasad
Village- Pakadiyar, Ps. Bagauch Ghat, Dist. Deoriya (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Vijaipur P.S. Case No. 213 of 2023 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. There is alleged recovery of 50 litres of *chulai*
liquor in a gunny bag tied on the petitioner's motorcycle, which
has been stopped in the course of checking.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 29-07-2023. Petitioner has
no criminal antecedents.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. In fact, petitioner has no concern with the alleged illicit liquor. Recovery is not attributed from his possession.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, nature of allegation, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Vijaipur P.S. Case No. 213 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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