

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.625 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- UCHKAGAON District- Gopalganj

VIKASH KUMAR @ BULLET SINGH S/O YOGENDRA SINGH Resident
of village- Jamsar, P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.10.2022, in connection with Uchkagaon P.S. Case No.
263/2022, F.I.R. dated 05.08.2022, for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2022.

According to prosecution case, total 612 litres of
country made liquor has been recovered from the Suzuki car
bearing Reg. no. BR01DC5124 and motorcycle bearing Reg.
No. UP57K6192.

Learned counsel for the petitioner submits that
petitioner is innocent 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 conscious possession of the petitioner rather the recovery has been made from the car in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. He further submits that the petitioner is neither driver nor owner of the vehicle in question and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.10.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in Sl. No. 1 to 6 and three cases are pending against him.

Considering the aforesaid facts and circumstances, 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 and Sessions Judge-II-cum-Special Judge, Excise Court-I, Gopalganj, in connection with Uchkagaon P.S. Case No. 263/2022, 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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