

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64902 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- DHANKUND District- Banka

Vikash Kumar @ Lalu @ Vikash Son of Late Maheshwar Das @ Meshawar Das Resident of Village - Malpurchak Hazrat Patti, Police Station - Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nidhi Anand, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Dhankund P.S. Case No. 26 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has recovered total 5097.5 liters of illicit liquor from truck bearing Registration No. BR09GA-6815.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner is not named in the F.I.R. and his name has surfaced in this case in course of investigation. The petitioner is not the owner of the seized truck. The petitioner is the owner of the mobile which was traced by the I.O. during investigation. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.07.2024 without any rhyme or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Rambabu Paswan and Naveen Kumar @ Naveen Kumar Sahni have already been granted bail by this Court vide order dated 16.05.2024 passed in Cr. Misc. No. 37788 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Dhankund P.S. Case No. 26 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

