

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72982 of 2024

Arising Out of PS. Case No.-749 Year-2024 Thana- MADHEPURA District- Madhepura

Vikash Kumar Son of Shatrughan Yadav Resident of Village Bhagwani, Ward
No. 01, Ghailarh O.P., District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed as also in para 12 of the petition, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Madhepura (Ghailarh) P.S. Case No. 749 of 2024 registered for the offences punishable under Sections 25(1-B)a, 26, 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

4. As per prosecution case, on the basis of secret information police reached near bamboo clump and after



seeing the police two persons started fleeing. One of the accused persons was apprehended who disclosed his name as Vikash Kumar (present petitioner) whereas another accused managed to escape. From the bamboo clump, one gallon as well as one sack was recovered. On search, one country made pistol and one live cartridge was recovered from the sack. It is also alleged that total 80 litre chulai wine was recovered from the sack and gallon.

5. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. He further submits that place of recovery is bamboo clump which is an open place and same is accessible to all and petitioner cannot be held responsible for the said recovery. Petitioner is in custody since 02.07.2024 and bears criminal antecedent of one case in which he is on bail. He further submits that petitioner was going to his house through the place of occurrence but unfortunately he was apprehended by the police on suspicion and police roped the petitioner in the present case with ulterior motive. Seizure list has not been made as per law. Learned counsel orally submits that charge



sheet has been submitted and there is no likelihood of tampering with the prosecution evidence.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-5 cum Special Judge, Excise-1, Madhepura in connection with Madhepura (Ghailarh O.P.) P.S. Case No. 749 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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