

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82915 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- BASOPATTI District- Madhubani

Vikash Kumar Safi @ Bittu @ Vitu S/O Jagdish Safi R/O Village-
(MALSINGH Patti), Basopatti, P.S- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Basopatti P.S. Case No. 166 of 2023 corresponding to G.R. No. 1133 of 2023 registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Excise Act.

3. As per the prosecution case, 630 litres of illicit liquor was recovered from a Scorpio vehicle in question. Apprehended co-accused Shiv Mandal and Vikash Kumar disclosed the name of the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is in custody since 09.10.2023 and bears no criminal



antecedent. He further submits that nothing has been recovered from conscious possession of the petitioner. He also submits that search and seizure has not been made as per law. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged offence. He further submits that co-accused persons, namely, Shiv Mandal and Vikash Kumar have already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 61529 of 2023 and the case of present petitioner stands on better footing as he is not apprehended on the spot. Learned counsel for the petitioner orally submits that charge sheet is submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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 II cum Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 166 of 2023 corresponding to G.R. No. 1133 of 2023, 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 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 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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