

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4554 of 2024

Arising Out of PS. Case No.-20 Year-2022 Thana- SARAI RANJAN District- Samastipur

Vikki Jha @ Vikki Kumar Jha S/O- Nawkant Jha @ Navikant Jha R/o- village
- Madhuvan Karihara, P.S. Sarairanjan, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sarairanjan P.S. Case no. 20 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, 693.27 litre foreign liquor was recovered from the house of the petitioner. It is further alleged that local villagers disclosed the name of the petitioner who succeeded in fleeing away from place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner was not apprehended on spot.



Basically no incriminating article has been recovered from conscious possession of the petitioner. The place from where illicit liquor has been recovered is a joint family property and does not belong to the petitioner. The name of present petitioner has surfaced in the case merely on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 07.12.2023. Petitioner bears no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, petitioner was not apprehended on spot, 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 Subordinate Court learned Special Judge Excise-II, Samastipur in connection with Sarairanjan P.S. Case no. 20 of 2022, subject to the 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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