

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3196 of 2025

Arising Out of PS. Case No.-222 Year-2021 Thana- BALIYA District- Begusarai

Vikash Kumar Son of Ramchandra Yadav Resident of Village- Fatehpur, P.S.-
Baliya, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-02-2025 Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Baliya P.S. Case No. 222 of 2021 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be involved in illegal trading of illicit liquor, where, there is recovery of 349.50 litres of IMFL appears to be recovered from the possession of co-accused.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the alleged recovery of illicit liquor was made from an open field of one Shree Ram Tanti,



where during course of recovery one co-accused namely, Harish Kumar was apprehended, who named this petitioner as to keep the recovered illicit liquor jointly in the field and on the basis of his statement, the petitioner was implicated with present case. It is submitted that the recovery admittedly was made from an open field accessible by general public and same not appears made from the physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in one more criminal case where he is in on bail.

5. Learned APP, opposes the prayer of bail.

6. In view of aforesaid factual submission as recovery of illicit liquor *prima-facie* not appears to be made from physical possession of this petitioner, coupled with the fact that alleged recovery was made from an open field, accordingly, petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned Exclusive Special Judge, Excise Act 2nd, Begusarai
/concerned Court, where the case is pending in connection
with Baliya P.S. Case No. 222 of 2021, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C/
Section 482(2) of BNSS, with further condition:-

*“(i) That accused/petitioner shall not
involve in the similar nature of offence till the
conclusion of trial, failing which the State shall be
at liberty to move before the Trial Court itself for
the cancellation of bail bond of the petitioner.”*

(Chandra Shekhar Jha, J)

Sudha/-

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