

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61229 of 2025**

Arising Out of PS. Case No.-777 Year-2025 Thana- Excise P.S. District- Aurangabad

Vikash Kumar S/O Musafir Yadav @ Mosafir Yadav R/o Kunwar Bigha, P.S.-  
Madanpur, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      23-09-2025                      Heard Mrs. Mukul Kumari, learned counsel for the  
petitioner and the Mr. Ajay Kumar-II for the State.

2. The petitioner is apprehending arrest in connection with Excise P.S. Case No. 777 of 2025 instituted under Sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 25.07.2025 by the informant, Rahmat Jamahn.

3. As per the prosecution story, the Police intercepted a Pick Up Van and there is recovery/seizure of 1040 liters of spirit. This led to the FIR

4. Learned counsel for the petitioner submits that he do not have criminal antecedent nor is the owner or driver of the Pick Up Van and only due to local enmity, got implicated. He shall be diligently appearing in trial.



5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.15,000/- to the District Legal Services Authority, Aurangabad for purchase of/installation of Sanitary Vending Machine for Civil Court Campus, Aurangabad through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

6. Learned APP opposes the prayer.

7. Considering the submissions of the parties as also that the petitioner has no criminal antecedent, nor the vehicle belongs to him, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.15,000/- to the District Legal Services Authority, Aurangabad for purchase of/installation of Sanitary Vending Machine for Civil Court Campus, Aurangabad through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Excise P.S. Case No. 777 of 2025 to the satisfaction of learned Special Judge, Excise-II, Aurangabad subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, Aurangabad for his perusal and needful.

**(Rajiv Roy, J)**

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