

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.26063 of 2022**

Arising Out of PS. Case No.-181 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Madhepura

=====

Vikash Singh @ Vikash Kumar Singh S/O Maheshwar Prasad Singh R/o  
Village- Rampatti, Ward No. 8, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
ORAL ORDER

2      29-07-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
  
of four weeks from today.

The petitioner seeks bail in connection with Excise  
  
Act Case No. 738 of 2020 arising out of Excise Case No. 181 of  
  
2020-21 registered for the offence under Section 30(a) of Bihar  
  
Prohibition and Excise Act.



The accused/petitioner is named in the prosecution report and is in custody since 05.03.2022.

The allegation against the petitioner is to have in possession of 22.860 liters of illicit liquor, which was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery is made from the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that investigation in this case is complete, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is made from the house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said to be recovered from the conscious physical



possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Excise Act Case No. 738 of 2020 arising out of Excise Case No. 181 of 2020-21 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-IV-cum-Special Judge, Excise, Madhepura/concerned Court, subject to the following conditions:

“(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.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be  
Prakash Kumar, who is the brother of the  
petitioner and deponent of the present bail  
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

