

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36014 of 2016**

Arising Out of PS.Case No. -68 Year- 2016 Thana -MUSAHRI District- MUZAFFARPUR

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Vikash Sah @ Vikash Kumar Son of Sri Shivji Sah Resident of Maripur  
Chowk,P.S.- Kazimohammadpur, District- Muzaffarpur

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur

For the Opposite Party/s : Mr. M. Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

2      28-09-2016      Heard Mr. Ajay Kumar Thakur for the petitioner and Mr.  
M. Dayal APP for the State.

The petitioner herein prays for anticipatory bail in Musahri  
P.S. Case No. 68 of 2016 registered under Sections 353, 420, 427,  
457, 120-B/34 of the Indian Penal Code.

The place of occurrence is the factory of M/s Rigga Sugar  
Company. Within the same premises, the petitioner runs a  
Cigarette Manufacturing Unit. The informant lodged the case  
alleging that upon imposition of complete prohibition, the godown  
of the M/s Rigga distillery was locked and sealed. On receiving  
an information, he visited the factory and after getting the lock  
open, he found certain quantity of India Made Foreign Liquor.  
The petitioner being the owner of the Cigarette Manufacturing  
Unit within the same premises is suspected as an accused.

Contention of the petitioner is that in relation to the seizure of Indian Made Foreign Liquor (IMFL) the two cases were lodged in which the petitioner was also cited as the suspected accused. Considering his case he has been released on bail in both the aforesaid cases vide order dated 12.08.2016 passed in Cr. Misc. No. 32720 of 2016 and order dated 05.08.2016 passed in Cr. Misc. No. 30584 of 2016. The ASI of Excise under whose charge the godown was placed has filed the present prosecution only to save his skin. It is a case where only suspicion has been raised.

Considering the facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Sub Judge-III cum Additional Chief Judicial Magistrate, Muzaffarpur subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

**(Kishore Kumar Mandal, J)**

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