

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47455 of 2018

Arising Out of PS.Case No. -364 Year- 2018 Thana -ARA NAWADA District- BHOJPUR

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1. Vicky Kumar @ Vicky Antil son of Randhir Singh the resident of 797,
Near Govt School, Dipalpur, P.S.- Dipalpur, District- Sonipat, State-
Haryana.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 03-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the offence
punishable under Sections 30 (a), 38(1)(2), 41(i)(ii) and 47 of the
Bihar Prohibition and Excise Act, 2016.

9,189.72 liters of foreign liquor is said to have been
recovered from the two Trucks and six persons were apprehended.
One of the apprehended accused, namely, Arun Kumar named the
petitioner and others as trader of the liquor and also owner of the
aforesaid liquor.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from the conscious



physical possession of the petitioner. He has no concern either with the seized liquor or the Trucks in question or any trade of liquor. He has been falsely implicated in this case by the apprehended accused, namely, Arun Kumar due to animosity. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the apprehended accused which has no evidentiary value in the eye of law. He was not apprehended on the spot. He has no criminal antecedent and has been languishing in custody since 11.06.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 364 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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