

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4251 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -HATHUA District- GOPALGANJ

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VIKASH KUMAR @ VIKASH KUMAR SAH, Son of Shivnath Sah,
resident of Village- Atwa Durg, P.S. Hathua, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hathua P.S. Case No. 100 of 2017 registered for the offence punishable under Sections 30(k), 37(k) (kh), 41 (i) (ii) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 14.4 liters of illicit liquor from the house of one Dilip Patel, who upon being apprehended by the Police disclosed the name of the petitioner to be the person who was supplying the said liquor.

The learned counsel for the petitioner submits that neither the said house belongs to the petitioner nor any recovery has been made from the conscious possession of the petitioner, hence the entire allegation is false and fabricated. The petitioner



is stated to be having a clean antecedent. It is further submitted that no case appears to have been made out under the provisions of the Excise Act.

Having regard to the facts and circumstances of the case, more particularly the fact that prima facie no case is made out under the provisions of the Excise Act, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Gopalganj in connection with Hathua P.S. Case No. 100 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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