

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37616 of 2018

Arising Out of PS. Case No.-81 Year-2018 Thana- DIGHA District- Patna

Vikash Kumar , s/o Ramnazar Prasad, r/o -Kurji Magadh Centre, Nala Par,
P.S.- Digha, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Sri Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-07-2018 Sri Amresh Kumar Sinha, learned counsel for the petitioner at the very outset in presence of Sri Surendra Prasad Singh, learned Additional Public Prosecutor requests for allowing him to make correction in paragraph no. 1 of the petition to the extent of correcting Prohibition Act.

The prayer is allowed.

It may be done in course of the day.

Heard Sri Amresh Kumar Sinha, learned counsel for the petitioner.

The sole petitioner, apprehending his arrest in connection with Spl. Case No. 1138 of 2018, arising out of Digha P.S. Case No. 81 of 2018, registered for the offence under Section 30(a)/38(i) of the Bihar Prohibition & Excise Act, 2016 , has prayed for grant of bail in the event of his



arrest or surrender.

Learned counsel for the petitioner submits that petitioner is owner of the vehicle i.e. Scorpio bearing registration no. BR01PH/ 7209 and in this case he has been made accused only on the ground that he is owner. He submits that in this case four persons who were moving on the vehicle of the petitioner were intercepted by Police and it appears that all the four persons were falsely made accused as if they were carrying liquor. By way of referring to the seizure list, learned counsel for the petitioner submits that in this case there was recovery of a cane containing $\frac{1}{2}$ liter of beer. He submits that in the case occupants of the vehicle were carrying beer, even then, this suggests that it was completely a case of false implication. Besides this, it has been argued that petitioner was made accused in this case only on the plea that he is owner of the vehicle. Learned counsel for the petitioner has also by way of referring to the statement made in paragraph no. 3 of the petition submits that petitioner is having clean antecedent.

Considering the nature of accusation and clean antecedent of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let petitioner Vikash Kumar be enlarged on bail on furnishing bail bond of



Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge, Excise, Patna / concerned court in connection with Spl. Case No. 1138 of 2018 , arising out of Digha P.S. Case No. 81 of 2018 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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