

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6326 of 2019

Arising Out of PS. Case No.-492 Year-2018 Thana- CIVIL LINE District- Gaya

VIKASH KUMAR, age about 22 years (male), son of Indu Sahni @ Indu Mallah, Resident of Mohalla-Mallah Toli, P.S.-civil Lines, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 04.12.2018 in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case got initiated on the basis of written report dated 03.12.2018 submitted by Dileshwar Mahto to the Station House Officer, Civil Lines Police Station is to the effect that on the basis of a secret information that the liquor is being unloaded from an auto at Mallah Toli, the



informant along with other police personnel, reached at the spot, when on seeing the police party two persons escaped from the scene, but on chase being made, one person apprehended, who disclosed his name as Vikash Kumar, the petitioner. On search being made, from the auto, 40 litres of illicit country made liquor and from the house of the petitioner, 90 litres of illicit foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been roped in the present case. In fact, the recovery has been made from the joint family house of the petitioner and the auto from which alleged country made liquor has been recovered, does not belong to the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the possession of the petitioner.

Considering the fact that nature of recovery and the investigation being concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Gaya, in connection with Civil Lines P.S. Case No.492 of 2018.

(Dinesh Kumar Singh, J)

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