

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25099 of 2019

Arising Out of PS. Case No.-434 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Vipin Singh @ Vipin Kumar Son of Late Ganesh Prasad @ Late Ganesh Prasad Singh Resident of Village - Damodarpur, Near Housing Board, P.S.- Kanti, Distt.- Muzaffarpur., Parmanent Address- Resident of Village - Jahigra, P.S.- Sahpur Patori, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehend his arrest in connection with Excise Case No. 434 of 2017 registered under Sections 30(a), 32(2) and 38 of Bihar Prohibition & Excise Act-2016.

3280.68 lts. of foreign liquor is said to have been recovered from the seven vehicle including Maruti Swift Car and two other accused persons, namely, Vikash Kumar and Bagendra Kumar were apprehended from the said car, who disclosed the name of the petitioner as one of their fleeing accomplice in the occurrence.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either



with the seized liquor or with the vehicle in question or with any trade of liquor. He has been falsely implicated in this case. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the disclosure of the aforesaid apprehended accused due to animosity. He was not apprehended on the spot. He has no criminal antecedent. Similarly situated co-accused, namely, Umesh Kumar Gupta has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.04.2018 passed in Cr. Misc. No. 23902 of 2018.

In the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 434 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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