

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43614 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- BIRAUL District- Darbhanga

VIJAY PRAKASH Son of Ram Narayan Khan Resident of Village- Hati,
Police Station- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Upadhyay

For the Opposite Party/s : Mr.Amarendra Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-07-2019 Let the supplementary affidavit filed on behalf of the
petitioner be kept on the record.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Biraul P.S. Case No.94 of 2019 registered under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of patrolling duty, the
informant along with other police personnel, reached near the
door of Tantan Mandal in village-Hati, where three persons were
standing and one motorcycle was also parked. On the handle of
the motorcycle, one bag was hanged and near the motorcycle,
something were kept in the bag. On seeing the police party, the



aforesaid three persons started to flee away. While on chase, two persons succeeded to flee away but one was apprehended, who disclosed his name as Raj Kumar Mandal. He also disclosed the name of Tantan Mandal and Mukesh Thakur, who succeeded to flee away. On search of the bag, which was hanged on the handle of the motorcycle bearing Registration No.BR07K-9768, 6 bottles, each containing 750 ml. Indian Made Foreign Liquor, were recovered and from the bag, which was kept near the motorcycle, 8 bottles, each containing 750 ml. Indian Made Foreign Liquor, and 3 bottles, each containing 180 ml. Indian Made Foreign Liquor, kept in the cartoon, were recovered. The apprehended accused also disclosed that the seized motorcycle is belonging to Vijay Prakash (petitioner).

Learned counsel for the petitioner submits that the petitioner was not apprehended on the spot and the seized motorcycle is belonging to the brother of the petitioner, namely, Jai Prakash Khan. The petitioner, who is running the shop, has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge (Excise), Darbhanga, in connection with Biraul Police Station Case No.94 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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