

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51719 of 2019**

Arising Out of PS. Case No.-320 Year-2019 Thana- GAYA MUFASIL District- Gaya

Vikky Kumar @ Vicky Kumar, Son of Ishwar Saw, Resident of Village-
Nauranga, P.S.- Muffasil and District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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

ORAL ORDER

2 21-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Muffassil P.S. Case No. 320 of 2019, registered under
Section 30(A) of the Bihar Excise Act, 2016.

The accusation is that in course of checking of the
vehicles, one Tempo was stopped and the person, who was
driving Tempo, disclosed his name as Moti Lal and another
person, who was found sitting in the Tempo disclosed his name
as Raju Kumar. On search, 288 bottles of 375 ml Indian made
foreign liquor recovered from the aforesaid Tempo. On
disclosure of Moti Lal and Raju Kumar, one hut was also
searched, from where, 161 litres in different bottles Indian made



foreign liquor was also recovered and both persons also disclosed that on the instruction of petitioner and Rajesh Kumar, the aforesaid illicit liquor was carrying in the Tempo.

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot rather the name of petitioner and Rajesh Kumar has come in the confessional statement of co-accused, Moti Lal and Raju Kumar. In fact, petitioner is accused in similar nature of other cases, as detailed in paragraph 3 of the bail application, due to that reason, he has been implicated in the present case mere on suspicion.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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