

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4659 of 2020

Arising Out of PS. Case No.-286 Year-2019 Thana- GAIGHAT District- Muzaffarpur

VIKASH KUMAR Son of Ram Babu Ray Resident of Village- Susta Tok,
P.S.- Gaighat (Benibad O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272,273,414 and 120B of the IPC and Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise(Amendment) Act, 2018.

The prosecution case as per the self statement of S.L. Lal Kishore Gupta, SHO, Benibag O.P., Muzaffarpur recorded on 30.8.2019 at 5.00 P.M. is to the effect that the police got secret information that liquor is being transported through Scorpio vehicle and thereafter a huge quantity of liquor was recovered from the house of co-accused Uttam Singh. The apprehended co-accused persons suggested the name of the petitioner.

It is submitted by learned counsel for the petitioner that



the recovery has not been made from the conscious physical possession of the petitioner and the petitioner has no concern with the Scorpio vehicle in question. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, similarly situated co-accused Chandan Kumar and Sudhir Kumar have been granted bail vide order dated 10.12.2019 passed in Cr. Misc. No. 80922 of 2019 and vide order dated 19.12.2019 passed in Cr. Misc. No. 84490 of 2019 by Co-ordinate Benches of this Court.

Learned APP submits that the name of the petitioner sprang up in the statement of co-accused.

Considering the fact that prima facie recovery does not appear to have been made from the conscious physical possession of the petitioner and the petitioner has no concern with the Scorpio vehicle in question, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in



connection with Gaighat (Benibad OP) P.S. Case No. 286 of
2019 subject to the conditions laid down in Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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