

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 8368 of 2020

Arising Out of PS. Case No.-261 Year-2019 Thana- MADHUBAN District- East Champaran

VIKASH KUMAR Son of Madan Pandit Resident of Village - Dhobauliya,
P.S.- Madhuban, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with
Madhuban Police Station (for brevity, *PS*) Case No 261 of 2019
instituted for the offence punishable under Section(s) 272, 273
of Indian Penal Code and Section 30 (a) of Bihar Exercise and
Prohibition Act, 2016.

The prosecution case alleges that co-accused Rekash
Kumar and Vinay Kumar were riding the motorcycle from
which there is a recovery of 5 liters and 250 ml of illicit liquor.
They have allegedly disclosed the petitioner's name leading to
the petitioner's implication in the instant case. Even as per the
prosecution case, there is no recovery from the petitioner and



other than the statement of said accused persons which, as per submission of petitioner's counsel, is based on extraneous considerations. There is nothing to suggest that even he was present at the place of occurrence and in any way concerned with the alleged recovery. The offence alleged, prima facie, do not make out any case under the Bihar Excise and Prohibition Act.

The learned APP for the State has opposed the prayer for anticipatory bail referring to the provisions contained in Section 76 (2) of the Bihar Prohibition and Excise Act.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of learned counsel for the petitioner.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, East Champaran, Motihari in connection with Madhuban PS Case No 261 of 2019 subject to the conditions as laid down under Section 438 (2) of



Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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