

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16915 of 2020

Arising Out of PS. Case No.-263 Year-2019 Thana- SUPPI District- Sitamarhi

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VICKY KUMAR CHAUDHARY @ VICKY CHAUDHARY Son of Nandlal
Chaudhary Resident of Village - Maniyari, P.S.- Suppi, Distt - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-10-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

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

Petitioner apprehends his arrest in a case registered under Sections 272/273 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

Informant is the police officer, who in his self statement has stated that he received secret information that at village Maniari on the heap of Sand belonging to Pramod Choudhary, two persons, namely, Shyam Choudhary and Vicky Choudhary (petitioner) had stored Nepali Saufi Wine and were selling the same. On such information, he reached alongwith



local choukidar and on seeing the police police party, miscreants fled away. The Choukidar disclosed their names as Shyam Choudhary and Vicky Choudhary (petitioner) and they were engaged in sale of Nepali wine. On search, 60 litres of Nepali Saufi wine was recovered from the heap of sand.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case only on the basis of suspicion and disclosure made by local chaukidar and except that there is no other incriminating material against petitioner. Nothing was recovered from his possession or from his house, as such, no offence under Excise Act is made out against him. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II cum Special Judge, (Excise Act), Sitamarhi, in connection with Suppi P.S. Case No. 263 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with



following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

veena/rajiv

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