

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78616 of 2019

Arising Out of PS. Case No.-336 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

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Vikash Kumar, male, aged about 26 years, son of Late Gulabchand Sah,
resident of Village-Amlori Paschim Tola, P.S. Siwan Mufassil, District
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-09-2020

The matter has been heard *via* video conferencing due
to circumstances prevailing on account of the COVID-19
pandemic.

2. Heard Mr. Ajay Kumar Tiwary, learned counsel for
the petitioner and Mr. Madhura Nand Jha, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner apprehends arrest in connection with
Siwan Mufassil PS Case No. 336 of 2019 dated 31.08.2019,
instituted under Sections 273/273 of the Indian Penal Code and
30(a)/41(1) of the Bihar Prohibition and Excise Act, 2016
(hereinafter referred to as the 'Act').

4. Though the petitioner was not arrested at the spot,



but the allegation is that he was in the trade of illicit liquor and was one of the three persons who had run away from the spot and the police caught two vehicles from which 1445 bottles totaling 260.100 litres and 570 bottles totaling 114 litres has been recovered.

5. Learned counsel for the petitioner submitted that he was neither caught at the spot nor anything was recovered from his possession and that the vehicles which have been seized also do not belong to him. Learned counsel submitted that because there is a previous case against the petitioner under the Act, he has been falsely implicated.

6. Learned APP submitted that six people were riding on two vehicles and upon chase by the police, they tried to run away, but three persons were caught whereas the petitioner was one of the three persons who had run away. Learned counsel submitted that the petitioner is accused in a case of similar nature under the Act of the year 2017 and, thus, there could not have been any false implication after over two years. It was submitted that the petitioner, having been granted bail in other case, has clearly violated the terms and conditions of the privilege and has in fact misused the same.

7. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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