

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86775 of 2019**

Arising Out of PS. Case No.-356 Year-2019 Thana- LALGANJ District- Vaishali

1. VICKY GUPTA @ VICKKY KUMAR Son of Late Binod Prasad Gupta  
Resident of Village - Agarpur, P.S. - Lalganj, District - Vaishali.
2. Subhash Kumar @ Chhotu Kumar Son of Late Bhagwan Prasad Gupta  
Resident of Village - Agarpur, P.S. - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      25-02-2020                      Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 30(a), 32(2) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case as per the the written report of Chhote Lal Patwari, SI of Police is to the effect that on 10.10.2019 a secret information was received that Chhotu Kumar, Uttam Kumar, Guddu Kumar and the petitioner Vikky Kumar have stored liquor in a rented house. Consequently, search was made in the the house of late Kedar Prasad and 138.74 litres country made liquor was recovered from there and



from the house of Co-accused Guddu Kumar, 10.875 litres country made liquor were recovered.

It is submitted by learned counsel for the petitioners that recovery has not been made from conscious physical possession of the petitioner and no material has been collected during the course of investigation suggesting that the petitioners were tenants in the house in question. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the seizure list suggests that the recovery of liquor has been made on secret information.

Considering the fact that the seizure list does not suggest any recovery from the conscious physical possession of the petitioners and the impugned order suggests that despite reminder, case diary was not produced before the learned Court below coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge,



Excise Court, Vaishali at Hajipur in connection with Lalganj  
P.S. Case No.356 of 2019 subject to the conditions laid down in  
Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

anil/-

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