

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32098 of 2020**

Arising Out of PS. Case No.-45 Year-2020 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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Vijay Kumar, Son of Late Shivji Rai @ Shivji Ray, Resident of Village-
Hilalpur, P.S.- Industrial Area, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioner and the
learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection
with Area P.S. Case No. 45 of 2020, registered under Section
30(a) of the Bihar Excise Act and Sections 25(1-b)a, 26 and 35
of the Arms Act.

The accusation is that in course of patrolling duty,
informant and other police personnel saw one silver colour
Hundai Car bearing registration no. BR-01AG-0238 coming
from Mdarpur. On seeing the police party, two persons sitting in
the car started to flee away, but on chase, one person was
apprehended, who disclosed his name as Anuj Kumar, while
another succeeded to flee away. On query, Anuj Kumar
disclosed the name of Vijay Kumar (petitioner), who succeeded



to flee way. On search of the aforesaid car, four polythene bags each containing 5 litre counter made liquor recovered.

Learned counsel for the petitioner submits that it would appear from the FIR that petitioner was not apprehended at the spot rather his name has been disclosed by co-accused, Anuj Kumar, who was apprehended at the spot. It is further submitted that petitioner and his family members have no concern with the seized vehicle, from which, the country made liquor is said to be recovered. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Area P.S. Case No. 45 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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