

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36168 of 2020**

Arising Out of PS. Case No.-9 Year-2020 Thana- MITHANPURA District-
Muzaffarpur

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Vikky Kumar @ Vikky Paswan S/o Baidhnath Paswan R/o Kanhauli
Khadhibhandar Chowk Near Durga Mandir, Mushari, P.S.- Mithanpura,
District- Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate

For the State : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 29-01-2021

Heard learned counsel for the petitioner and learned
APP for the State. Learned counsel for the petitioner has filed an
undertaking to remove all defects pointed out by the Stamp
Reporter as and when required. It is accordingly directed that all
defects pointed out by the Stamp Reporter be removed within
one month hereof.

2. The petitioner is in custody since 03.07.2020 in
connection with Mithanpura P.S. Case No. 09 of 2020 for the
offences alleged under Sections 414 of the Indian Penal Code and
Section 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise
Act, 2018.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of stolen pick-up van and
motorcycle loaded in all with 192.600 litres of foreign liquor. It is



further submitted that co-accused Monu Kumar in his confession disclosed the names of 12 persons including the petitioner as persons selling illicit foreign liquor. Except such confession, there is no objective material to connect the petitioner with the alleged occurrence. No recovery has been made from the conscious possession of the petitioner. The petitioner is accused in one prior case of similar nature.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 03.07.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (Excise) Act, Muzaffarpur, in connection with Mithanpura P.S. Case No. 09 of 2020, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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