

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41156 of 2020**

Arising Out of PS. Case No.-326 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

VIKASH KUMAR S/o Mahendra Paswan R/o Village- Mohan Ehgu, P.S.-
Begusarai Muffasil, Distt- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-07-2021 Heard Mr. Mr. Subhesh Pandey, learned
Advocate for the petitioners and the learned APP for the
State.

The petitioner seeks bail in anticipation of his arrest in connection with Begusarai Muffasil P.S. Case No. 326 of 2020 dated 28.06.2020 instituted for the offences under Section 120B of the Indian Penal Code and under Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

It appears from the prosecution report that several litres of liquor was recovered from a shade containing bore-well of the locality. The local persons disclosed before the raiding team that the liquor belonged to the petitioner.

Learned counsel for the petitioner has



submitted that this recovery cannot be saddled on him and his accusation in this case is only on the basis of stray statement made by persons whose identity has not been disclosed.

The petitioner does not have criminal antecedents.

Mr. Pandey, learned Advocate for the petitioner therefore urges that from the facts stated in the FIR, none of the offences under the Excise Act can at all be said to have been made out.

For the grounds aforementioned, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum 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-Special Judge, Excise Act, Begusarai in connection with Begusarai Muffasil P.S. Case No. 326 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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