

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6063 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

1. VIKASH KUMAR @ VIKASH YADAV SON OF LATE RAMPRAVESH YADAV R/O VILLAGE- INDRIHIA, P.S- SASARAM, DISTT- ROHTAS
2. CHITRANJAN KUMAR SINGH @ CHITRANJAN SINGH SON OF KAPILDEO SINGH R/O VILLAGE- INDRIHIA, P.S- SASARAM, DISTT- ROHTAS
3. JITRENDRA KUMAR SINGH SON OF NARESH SINGH R/O VILLAGE- INDRIHIA, P.S- SASARAM, DISTT- ROHTAS
4. GUDDU KUMAR SINGH @ GUDDU KUMAR SON OF KALDEO SINGH R/O VILLAGE- INDRIHIA, P.S- SASARAM, DISTT- ROHTAS

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 15-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 18.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the petitioner Nos. 2 and 3, namely, Chitranjan Kumar Singh @ Chitranjan Singh and Jitendra Kumar Singh, respectively, seeks permission to withdraw the application filed on behalf of them as they have already been apprehended by the Police.

In view of the above, the application filed on behalf of



the petitioner Nos. 2 and 3, namely, Chitranjan Kumar Singh @ Chitranjan Singh and Jitendra Kumar Singh, respectively, is dismissed as withdrawn.

Heard learned counsel appearing for the petitioner Nos.1 and 4, namely, Vikash Kumar @ Vikash Yadav and Guddu Kumar Singh @ Guddu Kumar, respectively, and the learned A.P.P. for the State.

The petitioner Nos.1 and 4 apprehend their arrest in connection with Sasaram (M) P.S. Case no. 190 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accusation is that in course of patrolling duty, the informant and other Police personnel reached in village- Indrihia tola, on seeing the Police personnel, some persons started fleeing, but, on chase, one person was intercepted, who disclosed his name Chitranjan Paswan and he also disclosed the name of Vikash Yadav (Petitioner No.1), Chitranjan Singh, Jitendra Kumar Singh, Guddu Kumar (Petitioner No.4) and Bigan Singh, who succeeded to flee away. On search, eight polythene, each containing five litres country made liquor recovered.

Learned counsel appearing for the petitioners No. 1



and 4, namely, Vikash Kumar @ Vikash Yadav and Guddu Kumar Singh @ Guddu Kumar, respectively, submits that it would appear from the F.I.R. that petitioner No.1 Vikash Kumar @ Vikash Yadav and petitioner No.4 Guddu Kumar Singh @ Guddu Kumar were not apprehended on the spot, rather, their names surfaced in the confessional statement of co-accused Chitranjan Paswan, who is said to be apprehended nearby the place of occurrence, where alleged country made liquor is said to be recovered. Further submission is that, in fact, petitioner No.1 Vikash Kumar @ Vikash Yadav and petitioner No.4 Guddu Kumar Singh @ Guddu Kumar are accused in similar nature case i.e. Sasaram (M) P.S. Case No. 118 of 2020 due to that reasons, the Police implicated both the petitioners in the present case showing their names in the confessional statement of co-accused Chitranjan Paswan.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. petitioners No. 1 and 4, namely, Vikash Kumar @ Vikash Yadav and Guddu Kumar Singh @ Guddu Kumar, respectively, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of



the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise Act, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 190 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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