

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10664 of 2021**

Arising Out of PS. Case No.-343 Year-2020 Thana- MINAPUR District- Muzaffarpur

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1. AVINASH KUMAR SON OF SHANKAR BHAGAT R/O VILLAGE-KHARIKA, P.S.- MINAPUR, DISTRICT- MUZAFFARPUR.
  2. KRISHNA KUMAR SON OF SHANKAR BHAGAT R/O VILLAGE-KHARIKA, P.S.- MINAPUR, DISTRICT- MUZAFFARPUR.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

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**Appearance :**

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| For the Petitioners | : | Mr. Alok Kumar Alok, Advocate. |
| For the State       | : | Mr. Madan Kumar, A.P.P.        |

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

ORAL ORDER

2      31-08-2021                      As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 04.02.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.2, namely, Krishna Kumar, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.2, namely, Krishna Kumar, for granting him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the



petitioner no.2, namely, Krishna Kumar.

Permission is accorded.

This application in respect of the petitioner no.2, namely, Krishna Kumar, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Avinash Kumar, for granting him the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner no.1, namely, Avinash Kumar, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner no.1, namely, Avinash Kumar, apprehends his arrest in connection with Minapur P.S. Case No.343 of 2020 registered under Sections 272, 273 and 414/34 of the Indian Penal Code besides Sections 30 (A) and 41 of the Bihar Prohibition and Excise Act.

The accusation is that on receiving secret information about gathering of 2-3 businessmen of liquor near Kharika Middle School, situated at N.H. 28, for the purpose of selling the liquor, the informant along with other police personnel reached there. On seeing the police party, 2-3 persons started to flee away from there but, on chase, one person was apprehended, who disclosed his name as Prakash Kumar and he



also disclosed the name of his two associates, who succeeded to flee away, as Avinash Kumar (petitioner no.1) and Krishna Kumar. On search, 60 pouches, each containing 375 ml. Indian Made Foreign Liquor in the volume of 22.5 liters, were recovered from there. One Hero Splendor Motorcycle bearing Registration No.BR06F-4320, used in the business of liquor, was also recovered from there. Regarding the seized liquor and motorcycle, no any paper was produced by the apprehended person nor any satisfactory reply was given by him.

Learned counsel for the petitioner no.1, namely, Avinash Kumar, submits that it would appear from the F.I.R. that the petitioner no.1, namely, Avinash Kumar, was not apprehended on the spot rather his name has come in this case in the confessional statement of Prakash Kumar, who is said to be apprehended by the police on the spot. The petitioner no.1, namely, Avinash Kumar, has no criminal antecedent and he has no concern with the seized motorcycle in any manner.

Having considered the facts and the circumstances of the case, let the petitioner no.1, namely, Avinash Kumar, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the Special Judge, Excise Act, Muzaffarpur, in connection with Minapur P.S. Case No.343 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

**(Rajendra Kumar Mishra, J)**

P.S./-

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