

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30265 of 2022

Arising Out of PS. Case No.-151 Year-2019 Thana- JAKKANPUR District- Patna

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SURAJ KUMAR @ VICKY VARDWAJ Son of Sudhir Kumar Resident of
Village - Gangapur, P.S.- Katrisarai, District - Nalanda (Bihar) ... Petitioner/s
Versus

The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Purushotam Sharma
For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Special (Excise) Case no. 2859 of 2019 arising out of
Jakkanpur P.S. Case No. 151 of 2019 instituted for the offence
under Sections 272, 273 of the IPC and Section 30(a), 38 and 41
of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 192 litres illicit
wine from a bus, which was kept below seat. On seeing the
police party, three persons were arrested on spot and petitioner
managed to escape.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. Petitioner has no



concern with the alleged recovery or with the vehicle in question. The mobile number and name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Special (Excise) Case No. 2859 of 2019 arising out of Jakkanpur P.S. Case no. 151 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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