

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41057 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- UJIYARPUR District- Samastipur

Vikash Rai @ Vikash Kumar, aged about 35 years (Male) Son of Bishwanath Rai @ Vishwanath Prasad Yadav, Resident of Village- Mathurapur, P.S.- Ujijarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 10-02-2022 Heard the parties through video conferencing.

Let the defect(s), if any, be removed within four weeks of starting of the court proceeding in physical mode properly.

The petitioner seeks bail in anticipation of his arrest in connection with Ujiarpur P.S. Case No. 48 of 2021 instituted for the offences punishable under Sections 30(a), 41 (i), (ii) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner being made an accused in the case and the entire story is most improbable that if two persons were driving a motorcycle and running away throwing the motorcycle on the ground, it cannot be possible that the bottles in the bag would

remain intact.

Be that as it may, learned counsel for the petitioner submits that there is no possibility of the petitioner being in any manner involved in the case and the case is under Section 30(a) of the Excise Act, is not made out.

Considering the aforesaid aspect, I am satisfied that no *prima facie* case under Section 30(a) of the Act is made out, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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