

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50254 of 2021**

Arising Out of PS. Case No.-153 Year-2021 Thana- MAHESI District- East Champaran

VIKRAM KUMAR @ VIKASH KUMAR Son of Bishwanath Singh Resident
of Village- Mani Chhapra, p.s.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Satyendra Prasad, Adv.

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 06-01-2022 Heard the parties through video conferencing.

The petitioner apprehends his arrest in connection with Mehshi P.S. Case No. 153 of 2021 registered for the offence under Sections 406, 420, 484, 34 of the Indian Penal Code and Sections 30 (a), 36, 41 (1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that the name of the petitioner has been disclosed by the driver without petitioner having any connection with the concerned smuggling of illicit liquor. Similarly situated persons have also been granted benefit of anticipatory bail.

Learned counsel for the State opposes the prayer for bail.

However, on the basis of statement of co-accused the petitioner cannot be hold up and prima facie case under Section 30 (a) could not be found to be made out against him.

in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav Vs. The State of Bihar reported in 2019 (2) P.L.J.R. 1089 (F.B.)**, I am inclined to grant benefit of anticipatory bail to the above named petitioner and in the event of arrest he shall be released on 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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