

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66839 of 2022**

Arising Out of PS. Case No.-190 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Vivek Kumar Son of Umesh Yadav Resident of Village - Gandhi Nagar, P.S. -
Aurangabad Town, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Leelawati Kumari
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-12-2022 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 Excise P.S. Case no. 190 of 2022

instituted for the offence under Section 30(a) of the

Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case relates to recovery of 293.22

litres of country made liquor from a Pajero Car bearing

registration No. DL-1CJ-7365. Driver of the car was

apprehended from the spot who disclosed his name as



Sushil Kumar.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern either with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has 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 Excise P.S. Case no. 190 of 2022, 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 II, Aurangabad, Bihar subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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