

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6537 of 2023**

Arising Out of PS. Case No.-119 Year-2022 Thana- BALIGAON District- Vaishali

VIKASH KUMAR @ VIKASH KUMAR YADAV, (Male), aged about 27 years, Son of Late Raj Narayan Yadav @ Rajnarayan Ray, Resident of village - Ladaho P.S.- Baligaon, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mrs. Indu Kumari Srivastava, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      29-04-2023                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Baligaon P.S. Case No. 119 of 2022 for the offence registered under Section 414 of the I.P.C. and Sections 30(a), 32(1) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 390.960 liters wine is said to have been recovered from six Motorcycles and hut in question.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent.



He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 390.960 liters wine is recovered from six Motorcycles and hut in question. None of the vehicles and huts belong to the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of confessional statement of the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R/ Complaint Case.



Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.I-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Baligaon P.S. Case No. 119 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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