

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7392 of 2023

Arising Out of PS. Case No.-402 Year-2019 Thana- PURNEA SADAR District- Purnia

VIKAS CHANDRA ROY @ VIKASH CHANDRA ROY @ BIKASH
CHANDRA RAY S/O LATE DINA NATH ROY @ LATE DINANATH ROY
Resident of Village- Sipahi tola, Ward No. 5, Madhubani Road, P.S.- K. Hat,
District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.

For the Opposite Party/s : Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in connection with a case
registered for the offence punishable u/s 272, 273 of the IPC and
30(a) of the Bihar Prohibition and Excise Act.

Altogether 37.890 litres of foreign liquor is said to have
been recovered from the Tempo of the petitioner.

Learned counsel for the petitioner submits that petitioner
is quite innocent and has not committed any offence as alleged
in the FIR. Petitioner has been falsely implicated in this case
only on suspicion. His name transpired in this case on the basis
of ownership of the said tempo. Petitioner has neither been
apprehended on the spot nor any incriminating article has been



recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Though, the said vehicle is registered in the name of the petitioner but it has been mentioned in para-8 of the bail application that since the Tempo had turned old and non-functional, the petitioner had sold the same to scrap dealer namely Sanjay Sahni in the year 2018 and the said Sanjay Sahni was apprehended on spot by the police. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty Thousand) in the Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC SBIN0010340, State Bank of India, High Court Campus, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Purnea Sadar/Sadar P.S. Case No.402 of 2019,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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