

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13371 of 2023

Arising Out of PS. Case No.-705 Year-2019 Thana- MAHUA District- Vaishali

VICKY KUMAR SON OF RAM NARESH RAY R/o mohalla- Mahua Singh
Ray, Ward No. 2, P.S.- Mahua, District- Vaishali

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Prasad, Advocate
For the Opposite Party : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove
the defect(s) as pointed out by the office within a period of four
weeks.

The petitioner is apprehending his arrest in a case
registered under Sections-30(a), 32(ii), 34(ii), 38(ii), 41(i) of the
Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case, in short, is that 605 liters wine is
recovered.

It has been submitted on behalf of the petitioner that that
there is no allegation of tampering of witnesses alleged against the
petitioner. The name of the petitioner has transpired on the basis of
confessional statement of co-accused. Except for this, there is no
other substantive evidence to suggest the implication of the petitioner



in this case. It is alleged that 605 liters wine is recovered from the house of co-accused, Gauri Shankar Singh. 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 Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar.)

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Mahua P.S. Case No. 705 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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