

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32637 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- BAKHTIYARPUR District- Patna

VIKASH KUMAR SON OF ARBIND SINGH @ ARVIND KUMAR
RESIDENTS OF VILLAGE- BENIPUR, PS-SALIMPUR, DIST-PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arya Achint

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned A.P.P.

for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 3772.8 liters of liquor from a container and one Bolero vehicle was seized.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that he came to be implicated based on the confessional statement of co-accused in police custody which does not have any evidentiary value, when admittedly, petitioner is a person with clean antecedent. It is next submitted that petitioner being owner of the Bolero came to be



implicated, it is next submitted that no prudent person would use his own vehicle for committing a crime and thus would create an evidence against himself and hence would get implicated, it is next submitted that the petitioner was completely unaware that Ajay would misuse his vehicle in the manner as alleged who was also arrested from the place of occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bakhtiyarpur P.S. Case No. 121 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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