

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37464 of 2023

Arising Out of PS. Case No.-650 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

VICKY KUMAR @ VIVEK KUMAR Son of Vinda Ray Resident of village -
Subhai Naya Tola, P.S. - Sadar Hajipur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Hajipur Sadar P.S. Case No. 650 of 2021 registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. The pickup-van carrying 1270.440 litres of illicit liquor has toppled over on the roadside. It is alleged that five persons were trying to take away the illicit liquor. The petitioner has been named as one of those persons and all fled away on seeing the police.

4. Learned counsel for the petitioner submits that petitioner has no connection with the liquor. He is not owner of



the vehicle and because he was earlier implicated in a case under Section 30(a) of Bihar Prohibition and Excise Act, 2006, his name has been dragged in this case also on suspicion. The admitted position is that there is no recovery from the petitioner or his belongings.

5. Learned APP for the State has raised the bar to grant the bail under Section 76 of of the Act the prayer for pre-arrest bail.

6. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019(2) PLJR 1089**. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of counsel for the petitioner. Prayer for bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1-cum-Addl. District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur



Sadar P.S. Case No. 650 of 2021, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) 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. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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