

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52947 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- NAVINAGAR District- Aurangabad

VIKASH KUMAR @ VIKASH KASERA Son of Bhola Kasera @ Bhola Prasad Resident of village - Mangal Bazar, P.S. - Nabinagar, Distt. - Aurangabad, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

4. Allegation is of recovery of 18.9 litres of liquor from a bush situated behind the house of the petitioner.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated at the instance of the villagers but



then the name of the villagers does not disclose in the FIR who disclosed the name of the petitioner which casts an aspersion on the case of the prosecution when admittedly petitioner is a person with clean antecedent. It is next submitted that even the alleged recovery is from a place which does not belong to the petitioner.

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

7. 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 Court below 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 court below where the case is pending/successor court in connection with Nabinagar P.S. Case No. 277 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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