

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53364 of 2023

Arising Out of PS. Case No.-817 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Vikash Prasad Yadav @ Vikash Yadav, Son Of Basudev Yadav Resident Of
Village Lasanpur, Ps- Gadarua, Dist- Purnea

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273 of the I.P.C. and Section 30(a) of the Excise
Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 1200.60 litres of liquor from an
asbestos house and a Tata Mini Truck found on the land of
mother-in-law of Vikash Kumar Yadav. Further, a scooty was
also seized.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and he came to be implicated based on confessional statement of Vikash Kumar Yadav in police custody, which does not have any evidentiary value. It is next submitted that petitioner is not the owner of the seized vehicle.

5. Learned A.P.P. opposes the bail application and submits that no pleading to that effect has been made in the anticipatory bail application.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, Purnea in connection with K. Hat Maranga P. S. Case No.817 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, the learned trial Court before accepting the bail bonds of the petitioner shall verify the ownership of the seized scooty and in the event, if it is found that any of the seized scooty belongs to the petitioner, then in that event, the present



anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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