

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57273 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- SALIMPUR District- Patna

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Bikash Kumar, aged about 26 years, male, Son of Sri Ram Janam Rai,
Resident of Village- Gyaspur, P.S.- Salimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the State : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Salimpur P.S. Case No. 147 of 2023 dated 24.06.2023
instituted under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. The allegation is of recovery of 230.88 litres of
liquor from a Bolero pick-up van and 249.38 litres of liquor
from another pick-up van.

4. Learned counsel for the petitioner submits that
there is no recovery from the conscious possession of the
petitioner and he has been falsely implicated in this case only
on the ground that he is the owner of the Bolero pick-up van
which is a commercial vehicle driven by one Radhe Shyam
who went to his village and in the meantime, police found



liquor on the vehicle. Learned counsel further submits that petitioner has no concern with the seized liquor. Learned counsel submits that similarly situated co-accused person, namely, Mukesh Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 31.07.2023 in Cr. Misc. No. 49885 of 2023. The petitioner has no criminal antecedent.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Barh, District-Patna in Salimpur P.S. Case No. 147 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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