

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61713 of 2023

Arising Out of PS. Case No.-487 Year-2023 Thana- MAHUA District- Vaishali

1. Vinit Kumar @ Vinit Kumar Singh, S/o Narayan Singh, R/o Village-Salkhani, P.S. Mahua, District- Vaishali
2. Ajit Kumar, S/o Vijay Rai, R/o Village- Supaul Tariya, P.S.- Mahua, District-Vaishali
3. Vishant Kumar @ Tufani Kumar, S/o Late Shivchandra Rai, R/o Village-Chakkabu Gopalpur, Ps. Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Mahua P.S. Case No. 487 of 2023 instituted under Sections 272, 273, 420, 467, 414, 120(B), 34 of the IPC and Sections 30 (a), 32(ii) (iii), 36, 41(i) (ii) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1324.8 litres of illicit liquor was recovered from the pick up van and all the accused persons managed to escape.

4. Learned counsel for the petitioners submits that the petitioners have no concern with the seized liquor as well as seized vehicle and they have falsely been implicated in this case due to their criminal antecedents. Petitioners are neither arrested



from the spot nor any incriminating article recovered from their conscious or physical possession. Petitioner no. 1 has four criminal antecedents, petitioner no. 2 has two criminal antecedents and petitioner no. 3 has one criminal antecedent. They have no concern with the said recovered liquor and save and except the suspicion there is no material against the petitioners.

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

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 petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of the learned Exclusive Special Excise Court No.- II-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 487 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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