

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63531 of 2023

Arising Out of PS. Case No.-222 Year-2023 Thana- KANTI District- Muzaffarpur

Vickey Kumar @ Vicky Kumar Dubay Son Of Binod Dubey Resident Of
Village - Chainpur, Ps- Kanti, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Kanti P.S. Case No. 222 of 2023 registered for the offences punishable under Sections 30(a), 32(i)(ii), 36, 41 (I) of the Bihar Prohibition and Excise Act, 2016. He has got no criminal antecedent.

3. As per the prosecution story, the informant received secret information regarding arrival of consignment of liquor and unloading the same by the FIR named accused persons. The informant reached at the given place where he noticed that 8-9 persons are involved in loading of liquor in Bolero vehicle. On seeing the police all managed to escape. The informant recovered altogether 828 litre of illicit liquor.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that name of the petitioner finds place in the information of spy and there is no proper identification of the petitioner. The petitioner has no concern with recovered vehicle.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted by the learned counsel for the petitioner that the name of the petitioner has transpired on the basis of so-called secret information from the spy, there is no identification of the petitioner on the alleged place or in the alleged vehicle from which the illicit liquor has been recovered and the petitioner has no concern with the vehicle, he has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named shall be released on bail in connection with Kanti P.S. Case No. 222 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. II, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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