

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63832 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- GOPALPUR District- Bhagalpur

Sachin Kumar @ Vikaram Kumar Singh Son Of Subodh Kumar Singh
Resident Of Village- Pakar, Ps- Naugachhia, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar, Adv
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Gopalpur P.S. Case No. 122 of 2022 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. 57.75 litres illicit liquor has been recovered from
an E-Rickshaw. The petitioner's implication is because the
apprehended person has disclosed that the petitioner had kept
the liquor.

4. The learned counsel for the petitioner submits that
the E-Rickshaw does not belong to the petitioner. He further
submits that he has no antecedents. He has been framed on
extraneous considerations. The facts are insufficient to make out



any case against the petitioner under the Bihar Prohibition and Excise Act.

5. The learned APP has opposed the prayer by raising the bar to grant anticipatory-bail under Section 76(2) of the Bihar Prohibition and Excise Act.

6. Considering the rival submissions, the manner of recovery, as well as the antecedent of the petitioner, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of ***Ram Vinay Yadav vs. State of Bihar***, reported in ***2019 (2) PLJR 1089 (FB)***, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Bhagalpur in connection with Gopalpur P.S. Case No. 122 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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