

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72593 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- KHAGAUL District- Patna

Vikash Yadav @ Vicky @ Vicky Rai @ Vikash Kumar Yadav @ Vikash Kumar S/O Late Kailash Rai R/O- Village- Pethiya Bazar Gali, Jairam Bazar, Khagaul, Ps- Khagaul, Dist- Patna, A/P- Govindpur, Ps- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Prasad Sinha

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 80 litres of illicit country made liquor from possession of co-accused Harekrishna Kumar and Raj Kumar, who were arrested on spot and they disclosed the name of the petitioner as one of his associates.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the



place of occurrence. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 8.8.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Spl. Excise Judge, Danapur, Patna in connection with Khagaul P.S. Case No. 170 of 2023.

(Sunil Kumar Panwar, J)

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