

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70488 of 2023**

Arising Out of PS. Case No.-1076 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

VIKASH KUMAR Son of Ram Sakal Rai @ Ram Sakal Ray R/o vill -
Baraitha, P.s. - Katra, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 420, 467, 468, 471 and 120(b) of the Indian Penal Code and Section 30(a) (b), 32(i)(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, on getting the information that one truck having Haryana registration number is parked near Siddhi Vinayak Hospital and illicit liquor is being unloaded from the truck by some peoples, when the police party proceeded at the spot, 5 to 6 persons started fleeing away out of which two persons apprehended along with one bike and rest of 4 managed to escape from the place of occurrence. Apprehended



persons disclosed their name as petitioner and Vikram Kumar and upon query they have disclosed that truck is loaded with liquor and they are unloading the same from the truck. Upon search of them, mobiles phones were recovered and from the Truck, total 3086.640 liters of Indian made foreign liquor of different brands were recovered along with other articles. They have also disclosed the name of escaped persons.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He has no concern either with other F.I.R. named persons or with the truck by which liquor was seized. Nothing incriminating article has been recovered either from his conscious possession or from the Bike by which allegedly he was fleeing. In fact, he had gone to purchase some medicine for his mother from the shop situated near the Hospital. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 30.08.2023.

5. The application for bail is opposed by learned APP



for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Special Judge, Excise Court No. 01, Muzaffarpur in connection with Ahiyapur P.S. Case No.1076 of 2023.

(Sunil Kumar Panwar, J)

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