

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13016 of 2024**

Arising Out of PS. Case No.-374 Year-2023 Thana- MEHSI District- East Champaran

Vikash Kumar Son of Late Bharat Bhagat @ Late Bharat Prasad Chaurasiya
Resident of Village- Tadapakad Ward No. 15, P.S.- Mehshi, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 2 05-03-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a)(c)(d),41(i) of the Bihar Prohibition and Excise
Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 11 liters of liquor along with 400 liters of semi
formed countrymade liquor from ‘Bathan’ of the petitioner.



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from the conscious possession. It is also submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that 'Bathan' is an open space and is accessible to public at large, thus it appears that some villagers inimical to the petitioner planted the liquor in order to get him implicated in the case. It is also submitted that even 'Chowkidar' with whom petitioner is on inimical term implicated him, when petitioner admittedly is a person with clean antecedent.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mehshi P.S. Case No.374 of 2023,



subject to the conditions laid down under Section 438(2) of the
Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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