

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36357 of 2024

Arising Out of PS. Case No.-209 Year-2020 Thana- MOTIPUR District- Muzaffarpur

Vikki Kumar @ Vikram Kumar Rana @ Vikki Sahni Son of Harendra Sahni
R/O Vill.- Bisunpur Chulhai, P.S.- Motipur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nitu Kumari, Advocate

For the Opposite Party/s : Mr.Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Motipur P.S. Case No. 209 of 2020 registered for the offences punishable under Sections 30(a), 41(1),(2) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, informant got secret information that petitioner and other concertedly hide the illicit liquor in the hut of co-accused Ramvidya Rai. On the aforesaid information, 390.880 litre illicit liquor was recovered from the said hut. It is alleged that petitioner alongwith others succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. Petitioner was not present at the place of occurrence. Learned counsel further submits that in the F.I.R., it has been mentioned that the name of the petitioner has been surfaced in this case on the basis of confidential information but the source of information has not been disclosed in the F.I.R. Hence, the authenticity of the F.I.R. is doubtful. Petitioner has no concern with the alleged occurrence. He further submits that on similar and identical allegation, co-accused Motilal Sahni has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide Cr. Misc No. 44265 of 2021 and on the principle of parity, petitioner also deserves anticipatory bail. Petitioner bears criminal antecedent of one case in which he is on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, co-accused has already been granted bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material



available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Muzaffarpur in connection with Motipur P.S. Case No. 209 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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