

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36806 of 2024**

Arising Out of PS. Case No.-234 Year-2022 Thana- BAKHARI District- Begusarai

Vikash Kumar, Son of Ram Badan Paswan, Resident of Village- Sahebpur  
Kamal, ward no.06,P.S.- Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

- 2      28-06-2024                      1. Heard learned counsel appearing on behalf  
  
of the petitioner and learned Additional Public Prosecutor  
  
appearing on behalf of the State.
2. The accused/petitioner is not named in F.I.R.  
  
and apprehending his arrest in connection with Bakhri  
  
P.S. Case No. 234 of 2022, registered for the offences  
  
punishable under Section 120B of the Indian Penal Code  
  
and Section 30(a) of Bihar Prohibition and Excise  
  
Amendment Act, 2018.
3. The allegation against above named  
  
petitioner is to involve in illegal trade of illicit liquor,  
  
where recovery is of 733.830 litres from the house of



co-accused, namely, Harinarayan Mahto.

4. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner appears during the course of investigation out of confessional statement of co-accused Niraj Kumar. It is submitted that after arrest of Harinarayan Mahto, he named during his confession three co-accused persons, namely, Niraj, Principal Verma and Arun Kumar, where only Niraj named this petitioner during his confession. It is submitted that the name of petitioner was not disclosed by two other co-accused persons, namely, Principal Verma and Arun Kumar. It is pointed out that in furtherance of confessional statement, no incriminating material/illicit liquor appears to be recovered from the possession of petitioner as to connect him with present recovery of illicit liquor. While concluding the argument, it is pointed out that petitioner found involved in two more criminal cases, where he is on bail.

5. Learned APP opposes the prayer of



anticipatory bail.

6. Considering the aforesaid facts and circumstances, as save and except suspicion arises out of confessional statement of co-accused, nothing appears incriminating against this petitioner, as to connect him *prima facie* with recovery of illicit liquor, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Begusarai/concerned Court, where the case is pending in connection with Bakhri P.S. Case No. 234 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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