

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42171 of 2024

Arising Out of PS. Case No.-555 Year-2022 Thana- KOILWAR District- Bhojpur

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Vivek Kumar @ Rajeshwar Son of Late Suresh Singh Village- Jhitkahiyan @
Jhikahiyor @ Jhiktahia, Madarna @ Gopinathpur, Hajipur, Bishunppatt, PS-
Vaishali, (OP Belsar) OP- Madarna, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR

and apprehending his arrest in connection with Koilwar P.S.

Case No.555 of 2022 registered under Sections 420, 467,

468, 471, 120B of the Indian Penal Code, Sections 30 (a),

32, 36 and 41(1) of the Bihar Prohibition and Excise Act,

2018.

3. Allegation against the petitioner is to have in

possession of 3969 liters of country-made illicit foreign wine

and also alleged to be involved in illegal trade arises out of

said illicit liquor.



4. It is submitted by learned counsel for the petitioner that implication of this petitioner is out of suspicion for the reason that the mobile number of this petitioner was found saved in mobile which was seized from the driver. It is further submitted that in furtherance of said suspicion, no incriminating material appears to be recovered from petitioner as to connect him with present occurrence of recovery of illicit liquor, who is a man of clean antecedent.

5. Learned APP opposes the prayer for grant of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions, as implication of petitioner appears *prima facie* out of suspicion, as his mobile number was found with apprehended driver of the truck carrying consignment of illicit liquor, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on 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 Judge Excise -II, Bhojpur at Aara in



connection with Koilwar P.S. Case No.555 of 2022, subject
to the conditions as laid down under Section 438(2) of the
CrPC.

(Chandra Shekhar Jha, J.)

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