

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42406 of 2024

Arising Out of PS. Case No.-288 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

VIKASH KUMAR, SON OF HARI KANTH RAY, RESIDENT OF
VILLAGE- DIDARGANJ, MAHAVIR GHAT, P.S.- DIDARGANJ,
DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate
		Mr. Niranjana Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Ahmad Ali, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 15-07-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Special Case no.11601 of 2019, arising out of Excise P.R. Case no. 288 of 2019 registered under sections 30(a), 32(1), 32(3), 41(1) and 42(2) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 500 litres of country liquor was recovered from the tempo and accused Aditya Kumar was arrested.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in course of investigation when allegedly the tempo driver Aditya Kumar in his confession before police has taken the name of the petitioner. Contrary to the allegation, the petitioner has no



concern with the liquor in question or the tempo from which it was allegedly seized. The only material against the petitioner is the confessional statement of co-accused made before police. The petitioner is in custody since 30.4.2024 and has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot, no incriminating article having been recovered from the petitioner's possession, his being in custody since 30.4.2024 and especially the petitioner not having any criminal antecedent under the Bihar Prohibition and Excise Act, 2016, the petitioner is directed to be enlarged on bail in connection with Special Case no.11601 of 2019 (arising out of Excise P.R. Case no. 288 of 2019) 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 Special Judge Excise-III, Patna.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

