

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46477 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Vicki Kumar @ Vikki Kumar @ Karan Kumar S/O Gopal Chaudhary R/O
Village-Noniya dera,P.S.-Dumraon,Dist-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 07-08-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Durgawati Police Station Case No. 80 of 2024, dated 30.03.2024, disclosing offences under Section 30(A) Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that the police intercepted a motorcycle which was rode by two persons and upon seeing the police party they tried to flee away, however, one person, namely, Mintu Kumar, was arrested and he disclosed the name of the petitioner, who succeeded in fleeing away. Upon search, the police recovered 24 liters of illicit liquor kept in the bag.



4. Learned counsel for the petitioner submits that the petitioner is having no criminal antecedent and he has been made accused on the basis of disclosure of his name by the arrested co-accused persons. The seized motorcycle does not belong to the petitioner, as per the statement made in paragraph-8 of the bail application.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not having any criminal antecedent, he is not the owner of the seized motorcycle and illicit liquor has not been recovered from the conscious possession of the petitioner and/or vehicle belonging to him, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) No. 11, Kaimur at Bhabua, in connection with Durgawati Police Station Case No. 80 of 2024, subject to the condition laid down under Section 438 (2) of the Code of



Criminal Procedure.

(Anil Kumar Sinha, J)

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