

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45713 of 2024

Arising Out of PS. Case No.-370 Year-2021 Thana- RAJAOLI District- Nawada

VIKASH KUMAR @ VIKASH RAM SON OF RAMSWAROOP RAM
RESIDENT OF VILLAGE - PATLUKA, POLICE STATION - AKBARPUR,
DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel appearing on behalf

of the petitioner and learned APP appearing on behalf of

the State.

2. The accused/petitioner is not named in the

F.I.R. and apprehended his arrest in connection with

Rajauli P.S. Case No. 370 of 2021 registered for the

offences punishable under Sections 30(a)(d) and 41 of

the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to

be engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 45 litres of IMFL/country



made liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor appears to be made from an open place i.e., graveyard, which is easily accessible by general public. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument learned counsel submitted that similarly situated co-accused namely Alakhdeo Yadav has granted anticipatory bail by learned Co-ordinate Bench of this Court through Cr. Misc. 25081 of 2023 vide order dated 19.05.2023.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances as mentioned above as recovery of illicit liquor is made from an open place i.e., graveyard and not from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court



within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-IIInd, Nawada/concerned Court below where the case is pending in connection with Rajauli P.S. Case No. 370 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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