

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44750 of 2024

Arising Out of PS. Case No.-219 Year-2024 Thana- FORBESGANJ District- Araria

Vikash Choudhary @ Vikash Kumar Son of Late Ashok Choudhary @ Late Ashok Sah R/O Vill.- Madarganj ward no.13, P.S.- Forbesganj, Simhara, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Forbesganj (Simraha) P.S. Case No. 219 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered 93.22 liters of illegal liquor from the room of the co-accused Md. Kapil.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The name of the petitioner has surfaced in this case on the basis



of disclosures made by the apprehended co-accused Suman Kumar and, except this, there is nothing against the petitioner in the entire record of this case. As the petitioner was not caught on the spot, nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the alleged occurrence or the seized liquor. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Suman Kumar has been granted regular bail by this Court vide order dated 23.04.2024 passed in Cr. Misc. No. 30989 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the counsel for the petitioner as also the petitioner having no criminal antecedent, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory



bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Forbesganj (Simraha) P.S. Case No. 219 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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