

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53641 of 2024

Arising Out of PS. Case No.-210 Year-2022 Thana- DANAPUR RAIL P.S. District- Patna

Vikash Kumar Son of Gorakh Sao Resident of Village - Jay Prakash Nagar,
P.S.- Jakkanpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Rail Danapur P. S. Case No. 210 of 2022 dated 30-12-2022
instituted for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The allegation is of recovery of total 143.08 litres
of illicit liquor from four apprehended accused persons, namely,
Raushan Kumar, Anand Kumar, Chandan Kumar and Rakesh
Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. The petitioner has been made accused only on the basis of
confession made by the apprehended accused persons. The



petitioner has not been arrested at the spot. Further, the said illicit liquor has not been recovered from the possession of the petitioner rather the said illicit liquor was recovered from the apprehended accused persons. Also, the petitioner has no concern with the said illicit liquor. The petitioner has been made accused only on the basis of his past criminal antecedents. Lastly, it has been submitted that petitioner has three criminal cases against him of same nature.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-(iii), Patna, in Danapur (Rail) P.S. Case No. 210 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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