

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69083 of 2024

Arising Out of PS. Case No.-206 Year-2024 Thana- Excise P.S. District- Vaishali

Vikash Kumar @ Vikash Ray S/o- Surendra Ray Resident of Village- Litiyahi
Police Station- Raghapur Rustampur OP, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. (Mr.) Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-09-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32(1)(3) and 41(1) (ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases.
4. Allegation is of recovery of 200 litres of liquor from an auto.
5. Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and is not the owner of the seized auto. It is further submitted that petitioner came to be implicated based on the secret information which is the easiest way to implicate someone. It is next submitted that police at times take aid of secret information in order to save the real culprits. It is also



submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically.

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

7. Considering the submissions made by the learned counsel for the petitioner, 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 Hazipur Excise P.S. Case No. 206 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than two cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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