

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67450 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- BHAGWANPUR District- Vaishali

Vishal Kumar Son of Pankaj Kumar @ Pankaj Rai, R/o- Vill. Imadpur Ps.
Bhagwanpur Dist. Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 27-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 196 of 2023, registered for the alleged offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, recovery of 60.480 liters of India made foreign liquor was made from the house of the petitioner. The petitioner is stated to have fled away from the spot.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is a joint family house from which recovery of illicit



liquor has been shown. At the time of occurrence, the petitioner was not present at the place of occurrence as he lives at Hajipur for study. The petitioner has been named in this case on saying of local chowkidar due to previous enmity with the father of the petitioner. The father of the petitioner has also been made accused in this case and he has been arrested and is in custody.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail, submitting that the recovery has been made from the house of the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that father of the petitioner is accused and he has been arrested in this case and recovery has been shown from a joint house and further considering the young age of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.1-cum-Additional Sessions Judge, Vaishali at Hajipur/concerned court in connection with Bhagwanpur P.S. Case No. 2303 of 2023, subject to the condition laid down under



Section 438(2) of the Code of Criminal Procedure and other
following conditions:

(i) One of the bailors will be a close relative of
the petitioner.

(ii) The petitioner will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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