

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79092 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- MALAYPUR District- Jamui

Vikash Kumar Barnwal @ Vikash Kumar Baranwal, aged about 33 years,
Gender-Male, Son of Bindeshwari Prasad Baranwal, Resident of Village -
Amari, P.S.- Khaira, District - Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party : Mr. Md. Anzarul Haque Sahara, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 15-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Malaypur P.S. Case No. 49 of 2023 dated 16.06.2023 registered
for the offences punishable under Sections 30(a) and 32 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 15 litres of county
made liquor was recovered from the bag of the co-accused Rohit
Kumar and the co-accused Rohit Kumar was arrested and disclosed
the name of the petitioner who fled away from the place of
occurrence.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has been falsely implicated in this case.
The petitioner is not named in the F.I.R. The name of the petitioner



has sprung up in the present case on the basis of the confessional statement of the co-accused Rohit Kumar. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged recovered liquor. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Jamui in connection with Malaypur P.S. Case No. 49 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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