

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79429 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- Excise P.S. District- Vaishali

VIMAL KUMAR SON OF LALAN RAY R/O VILLAGE-
LAXMINARAYANPUR, WARD NO.13, P.S.- TISIAUTA, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra Ojha

For the Opposite Party/s : Mrs. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Prohibition & Excise Mahua Anumandal Thana Case
No.58/2023 dated 30.09.2023 registered for the offence
punishable under Sections 30(a), 41(i), 41(ii) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 268.200 litres of liquor from a truck. It is next
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and he
came to be implicated in the case based on the fact that



petitioner is the owner of the truck. It is next submitted that petitioner is a businessman and no prudent person would use his own vehicle for committing an occurrence and thus would bring disrepute to his business. It is thus submitted that the petitioner was completely unaware that his driver Bipin Kumar would misuse his vehicle in the manner as alleged.

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

5. Considering the submissions made by the learned counsel for the petitioner, 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.500/- (Rupees five hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Prohibition & Excise Mahua Anumandal Thana Case No.58/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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