

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81625 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- Excise P.S. District- Bhojpur

Vikash Kumar @ Bikash Kumar S/O Ramesh Singh Resident of Village-
Nayka Tola, P.S.- Jagddishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the State : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Jagdishpur P.S. Case No. 192 of 2024, dated 03.10.2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the allegation, 40 litre of country made liquor has been recovered from motorcycle being driven by co-accused, namely, Bhanu Pratap Kumar. Co-accused was arrested on the spot by the police and the petitioner is alleged to have fled away escaping the arrest.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that petitioner is no way involved in the alleged offence. He was neither present on the spot nor was he sitting on the motorcycle, nor does the motorcycle belong to him. There is no legal evidence against the petitioner. As such, anticipatory bail petition is maintainable and petitioner is entitled to get anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge (Excise-II), Bhojpur at Ara, in connection with Jagdishpur P.S. Case No. 192 of



2024, subject to the conditions as laid down under Section 438
(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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