

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6429 of 2025

Arising Out of PS. Case No.-873 Year-2024 Thana- Excise P.S. District- Lakhisarai

Vikash Yadav @ Vikash Kumar S/O Vano Yadav R/O Village- Khairi, P.S.-
Teharhat, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Excise P.S. Case No. 813c2 of 2024 dated 28.09.2024, instituted
for the offence punishable under Sections 30 (a), 44, 41 of the
Bihar Prohibition and Excise Amendment Act, 2018.

3. The allegation is recovery of 150 litres illegal
Mahua Chulai liquor from a tempo. On interrogation, the driver
of the tempo and the apprehended person disclosed that they
have brought the liquor from Dilkhush Kumar, Sudhanshu
Kumar and Uday Yadav to be delivered to Vikas Yadav
(petitioner).

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



case. It is further submitted that at the time of seizure, two persons were apprehended who disclosed their names as Prince Kumar and Guddu Kumar. Prince Kumar is the driver cum owner of the seized vehicle. It is also submitted that petitioner has no concern with the illicit seized liquor. Petitioner has been made accused in this case only on the basis of confessional statement of co-accused Prince Kumar. Lastly, it has been submitted that petitioner has six criminal cases against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Excise P.S. Case No. 813c2 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- IInd-cum- Special Excise Court- II- Lakhisarai, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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