

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12061 of 2025

Arising Out of PS. Case No.-418 Year-2024 Thana- GHORASAHAN District- East
Champaran

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Vicky Kumar @ Bikki Kumar Son of Mohan Sah @ Mohan Raut Resident of
Village- Amwa (Amaba), PS -Ghorasahan, District- East Champaran,
Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 04-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Ghorasahan P.S. Case No. 418 of 2024 instituted for the
offences punishable under Section 317(5) of the Bhartiya Nyaya
Sanhita and Sections 30(a), 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 195 litres
of liquor was recovered from two jute sack thrown by the
petitioner and the petitioner along with motorcycle fled away
from there.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession. The petitioner has three criminal antecedents of similar nature of offence as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Pramod Kumar Singh @ Bhakar Singh @ Bhakhar Singh @ Pramod Patael has been granted regular bail by this Court vide order dated 28.04.2025 passed in Cr. Misc. No. 26406 of 2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that the petitioner has three criminal antecedents of similar nature of offence.

7. Considering the entire facts and circumstances of the case and taking into account that the petitioner has three criminal antecedents of similar nature of offence, this Court finds that the present case is not a fit case for grant of



anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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