

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27777 of 2025

Arising Out of PS. Case No.-778 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Vicky Kumar @ Vikky Kumar S/o Dilip Roy @ Dileep Ray Resident of
Village- Ismailpur, PS- Hajipur Sadar, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

- 2 07-05-2025 1. Heard learned counsel for the petitioner as well as
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 317(5), 3(5) of Bharatiya Nyaya Sanhita and Section
30(a) of the Bihar Prohibition and Excise Act, 2022 in
connection with Hajipur Sadar (Kazipur) P.S. Case No.778 of
2024.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and allegation is of
recovery of 80 liters of liquor from a motorcycle.
4. It is next submitted that petitioner was not arrested



from the spot as such nothing was recovered from his conscious possession and the seized motorcycle does not belongs to the petitioner and he came to be implicated. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the fact that no recovery has been made from the conscious possession of the petitioner, as also the search and seizure memo does not bear the signature of two independent witnesses, which puts a serious question mark on the legality and validity of the seizure itself and also taking note of the fact that the petitioner has one criminal antecedent of similar nature, in which he is on bail. Under these circumstances, the Court is inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail 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 the learned Exclusive Special Excise Court No.1-
cum-Additional District and Sessions Judge, Vaishali at Hajipur
in connection with Hajipur Sadar (Kazipur) P.S. Case No.778 of
2024, subject to the conditions laid down under Section 438(2)
of the Cr.P.C./Section 482(2) of the Bhartiya Nagarik Suraksha
Sanhita.

(Alok Kumar Sinha, J)

Prakash Narayan

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