

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28812 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- PURNEA SADAR District- Purnia

Vikky Kumar Singh @ Vicky Kumar Singh S/O Late Rajendra Prasad Singh
Resident of Milan Para Ward no 41 Khuskibagh, P.S.- Sadar, District- Purnea
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Sadar P.S. Case No. 62 of 2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 49.920 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that name of this petitioner transpired only on the basis of disclosure made by co-accused person namely, Gopal Thakur and admittedly recovery was not made



from physical possession of this petitioner. It is submitted that one of the reason for implication of this petitioner is his criminal antecedents as he found involved in five more criminal cases of similar nature, wherein he is on bail.

5. It is pointed out that if merit of case otherwise convincing merely on the ground of criminal antecedents, prayer of anticipatory bail of petitioner could not be denied ordinarily. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only)



with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1, Purnea, in connection with Sadar P.S. Case No. 62 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) and further condition:

(i) That petitioner shall not indulge in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

Rajeev/-

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