

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61946 of 2025

Arising Out of PS. Case No.-284 Year-2025 Thana- PARSABAZAR District- Patna

Vicky Kumar @ Bikram Kumar @ Vicky Ray S/o Vinod Ray @ Vinod Kumar R/o Vill.- Yadav Tola, Dariyapur, P.s.- Parsa Bazar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prasoon Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Parsa Bazar Police Station Case No. 284 of 2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, as per the First Information Report, is that on 08.07.2025, while on patrolling duty, the informant received secret information that the petitioner was selling illicit liquor near the water tank. Upon such information, the police party proceeded towards the place of occurrence and noticed one person carrying a checked-colour bag, on seeing the police party, started fleeing away. However on chase, the said person dropped the sack and managed to



escape. Upon search near the water tank, the police found three sacks concealed behind bushes and recovered total 42 litres of *Mahua* country-made liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that on mere perusal of the FIR it is evident that the said liquor is recovered from an open space near water tank which is accessible to all and sundry. Petitioner has no concern with the alleged recovery and nothing has recovered from conscious physical possession or premises of the petitioner. Learned counsel next submits that there is no any independent witness to support the prosecution as alleged in the FIR. Petitioner is having two criminal antecedents.

5. Having regard to the submissions made by the parties and taking into consideration the justification given by the petitioner and the fact that recovery is made from an open space which is accessible to all and sundry and nothing has been recovered from the conscious physical possession or premises of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of



his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-2, Patna, in connection with Parsa Bazar Police Station Case No. 284 of 2025, subject to the condition laid down under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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