

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67392 of 2025

Arising Out of PS. Case No.-947 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Vikesh Kumar @ Bikesh Kumar S/O Main Bhagat, R/o Village- Rasulganj,
P.S.- Motipur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Excise P.S. (Muzaffarpur) Case No. 947 of 2025, dated 28.07.2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation, 8.25 litre of illicit liquor has been recovered from two co-accused persons and as per their confessional statement, they were going to deliver the contraband to the petitioner.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the name of the petitioner has transpired in this case on the confessional statement of co-



accused before the police, which has no evidentiary value and nothing has been recovered from possession of the petitioner. There is no cogent material on record to connect the petitioner with the alleged offence. Hence, no *prima facie* case is made out against the petitioner and the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Excise P.S. (Muzaffarpur) Case No. 947 of 2025, subject to



the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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