

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89856 of 2024

Arising Out of PS. Case No.-161 Year-2024 Thana- BARAULI District- Gopalganj

Vikash Kumar @ Vikash Kumar Singh S/o- Hari Shankar Singh Resident of
village- Rampur kala PS-Phulwariya District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Srivastva, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Barauli P.S. Case No. 161 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and 25(1-B)(a) 26 of Arms Act.

3. The allegation against the petitioner is to have in possession of 60.12 liters of illicit liquor and also one country made pistol along with other co-accused persons and further alleged to be involved in illegal trading of illicit liquor.

4. It is submitted by learned counsel appearing



on behalf of the petitioner that the name of the petitioner transpired during course of investigation out of confessional statement of co-accused namely Vikash Kumar @ Bullet Kumar. It is submitted that the country made pistol, liquor and concerned four wheeler carrying illicit liquor already recovered from the possession of apprehended co-accused Vikash Kumar @ Bullet Kumar and, therefore, there is no need of any custodial interrogation of this petitioner in furtherance of confessional statement of apprehended co-accused Vikash Kumar @ Bullet Kumar. It is pointed out that petitioner found involved in six cases and in maximum of these cases he is on bail and his name transpired on the basis of confessional statement of co-accused as of present case having otherwise no evidentiary value under law. It is submitted that if the merit of the case appears in balance of accused/petitioner, under such circumstance the prayer of anticipatory bail of accused/petitioner cannot be declined merely on the ground of his criminal



antecedents. 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 Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as save and except suspicions nothing appears *prima-facie* against this petitioner as his name transpired on the basis of confessional statement of co-accused Vikash Kumar @ Bullet Kumar, where all incriminating materials appears to be already recovered from his possession, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge XIII cum



Special Judge, Excise Court No. 1, Gopalganj /concerned Court, where the case is pending in connection with Barauli P.S. Case No. 161 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS., with further conditions:-

- “(i) That petitioner shall not involve/indulge in the similar nature of offence 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.
- (ii) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

