

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56332 of 2021

Arising Out of PS. Case No.-232 Year-2020 Thana- SARAI District- Vaishali

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Alok Kumar Singh @ Alok Kumar, Male, aged about 36 years, Son of Bacha Singh @ Bachanand Singh, Resident of Village - Anjani, P.S.- Sarai, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 25-02-2022 Heard the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Sarai P.S. Case No. 232 of 2020 instituted for the offences punishable under Sections 30 (a), 32 (ii), 34 (ii) 41 (i) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner name has been crypt in the investigation solely on the basis of the statement of the accused, where the liquor was recovered. He is neither the owner of the liquor nor he was present at the site and therefore, he cannot be said to have committed any offence.

I have considered the submission as per the statement mentioned in the FIR, exfacie case under Section 30



(a) is not made out against the petitioner, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, which are as under:-

1. The petitioner, above named shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;

2. The petitioner shall cooperate with the investigation and make himself available for interrogation whenever required;

3. The petitioner shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

4. The petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

5. The petitioner shall not leave the territory of Vaishali, without prior permission of the Court, till trial is over;

6. The petitioner shall maintain law and order;

7. The petitioner shall, at the time of execution of the bond, furnish his address and mobile number to the



investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The petitioner shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The petitioner shall regularly remain present during the trial, and cooperate with the Hon'ble court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

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