

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2125 of 2023

Arising Out of PS. Case No.-226 Year-2020 Thana- SARAI District- Vaishali

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Alok Kumar Singh @ Alok Kumar, 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. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Sarai P.S. Case No. 226 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 855 liters of India made foreign liquor was made near an *Aanganwadi* Center which was kept concealed in bushes. Police came to know that the illicit liquor was brought by the petitioner who is said to be involved in the business of illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case and this fact is apparent from the F.I.R. Police without any



reason and without any cogent material has named this petitioner just by saying that the petitioner has brought the illicit liquor. Petitioner has no concern with the place from where the recovery has been made and he has otherwise no concern with the occurrence. Even during preparation of seizure list, no independent witnesses were involved and police personnel were made seizure list witnesses. Learned counsel further submits that the petitioner is having five cases against him and he is on bail/anticipatory bail in all those cases. Charge sheet has been submitted in this case and the petitioner is in custody since 19.11.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of this petitioner and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District Judge, Vaishali at Hajipur in connection with Sarai P.S. Case No. 226 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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