

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2366 of 2023

Arising Out of PS. Case No.-172 Year-2021 Thana- SARAI District- Vaishali

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ALOK KUMAR @ ALOK KUMAR SINGH Son of Bacha Singh @
Bachanand Singh R/v- Anjani, P.S.- Sarai, Dist- 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, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-03-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Sarai
P.S. Case No.172/2021 registered for the offence(s) punishable
under Section(s) 272, 273 and 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution, 6.3 litres of foreign liquor was
recovered from the dicky of the scooty of the petitioner.

The main submissions advanced by the learned
counsel for the petitioner are that as per the FIR, 6.3 litres of
foreign liquor is said to have been recovered from the dicky
of the Honda Activa scooty which is registered in the name of
the petitioner but the said vehicle of the petitioner was planted
by the police and the petitioner was not arrested at the spot and



the recovery of the large quantity of the wine was made from the poultry farm of co-accused Dhiraj Kumar @ Vicky and as per the prosecution the petitioner managed to escape but he was identified by the police *Chowkidar* and the said fact is completely unbelievable. Further submission is that the main co-accused Dhiraj Kumar @ Vicky, from whose poultry farm, 521.640 litres of foreign liquor was allegedly recovered, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.54656 of 2022 and another co-accused Vikash Kumar has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.64153 of 2022, though against the petitioner there are antecedents of five cases, out of which petitioner has been granted anticipatory bail in one case, in second case, he has been granted regular bail by the lower court itself and in third case, he has been granted bail by this Court and prayer for bail in rest of the cases is pending before this Court. Further submission is that there is no independent witness of the alleged recovery of wine and the petitioner has been remanded in the present case on 10.10.2022.

Learned APP appearing for the State has opposed the bail prayer.



In view of the facts, as stated above, and mainly the facts that the petitioner was not apprehended at the spot as appears from the FIR and the co-accused Dhiraj Kumar @ Vicky, from whose poultry farm, large quantity of wine was recovered, has been granted bail by a co-ordinate Bench of this Court, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the Court concerned in connection with Sarai P.S. Case No.172/2021.

(Shailendra Singh, J)

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