

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4893 of 2023

Arising Out of PS. Case No.-411 Year-2019 Thana- SARAI District- Vaishali

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ALOK KUMAR SINGH @ ALOK KUMAR S/O BACHA SINGH @
BACHANAND SINGH R/v- 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, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sarai
P.S. Case No. 411 of 2019 dated 29.11.2019 registered for the
offence under Sections 30(a) of the Bihar Prohibition and
Excise Act.

Recovery is of 1797.48 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case on the basis of disclosure made by the
co-accused, Sanjay Sharam @ Sanoj Kumar. He further
submits that it appears from the F.I.R. and the seizure list
that nothing has been recovered from the conscious



possession of the petitioner rather the recovery has been made from the house of the co-accused, Sanjay Sharma @ Sanoj Kumar and he has no concern at all with the alleged recovery. He further submits that the petitioner has been remanded in the present case after being apprehended in connection with Sarai P.S. Case No. 343 of 2019. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Special Excise Court No.2 -cum- A.D.J., Vaishali at Hajipur in connection with Sarai P.S. Case No. 411 of 2019



with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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