

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5781 of 2023

Arising Out of PS. Case No.-111 Year-2022 Thana- DHOLBAJJA District- Bhagalpur

Alok Kumar Singh @ Pankaj Kumar Son Of Siya Ram Singh R/O Village-
Pakara Basa, P.S.- Dholbajja (Kadwa), District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.11.2022 in connection with Bholbajja (Kadwa) P.S. Case
No.111 of 2022, F.I.R. dated 19.11.2022 for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act and Section 25(1-b)a, 26 of the Arms Act.

Recovery is of total 750 ML. Indian made foreign
liquor from motorcycle and 2.250 liters Indian Made foreign
liquor and two country made pistol and four live cartridges from
the house of the petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that 750 ML. Indian made foreign liquor recovered from motorcycle and apart from the aforesaid 2.250 liters Indian Made foreign liquor and two country made pistol and four live cartridges recovered from the house of the petitioner. He further submits that the incriminating material was recovered from the joint house property of the petitioner and there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Court of Exclusive Special Excise Judge-I, Bhagalpur in connection with Bholbajja (Kadwa) P.S. Case No.111 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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