

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15055 of 2023

Arising Out of PS. Case No.-214 Year-2021 Thana- KUSHESHWARASTHAN District-
Darbhanga

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VIKASH KUMAR SINGH @ VIKASH SINGH, Male, aged about 30 years,
S/O TAPESHWAR SINGH @ LAL BABU SINGH Resident of Village-
Narayanpur, P.S.- Kusheshwarasthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 08-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Kusheshwarasthan P.S. Case No. 214 of 2021 dated 20.11.2021
registered for the offence(s) punishable under Section(s) 30(a)
of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 2628.360 litres of foreign liquor and the same
is stated to have been recovered from a Truck's container and
petitioner was not arrested at the spot of recovery, in fact
petitioner's shop of sand and sand stone was near to the place of
recovery of the alleged wine on account of which, he has been



made accused and merely on the basis of disclosure made by the arrested co-accused person, namely, Chandra Bhushan Das, he has been dragged in this case while he had no concern with the alleged container as well as seized wine, though against the petitioner there is criminal antecedent of one case lodged under the Excise Act but in that case the main allegation against the petitioner was of having consumed wine and in the present matter, he has been languishing in jail since 03.11.2022 and against him, investigation has been completed. Further submission is that co-accused persons, namely, Nitish Singh @ Nitish Kumar Singh, Surendra Yadav @ Surendra Kumar Yadav, Deepak Kumar Paswan @ Deepak Paswan, Ram Babu Yadav and Chandra Bhushan Das have been granted bail by different co-ordinate Benches of this Court vide Annexure 2 series. Further submission is that in the seizure list, the alleged wine has been shown as having been recovered from *Girgitia* village but there is no detail of the petitioner's shop in the said seizure list which casts a serious doubt in respect of the place of recovery of the alleged wine.

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

5. Considering the above submissions and mainly



the privilege of bail having been granted to several co-accused persons, as mentioned-above and against the petitioner the investigation has been completed, 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 in connection with Kusheshwarasthan P.S. Case No. 214 of 2021 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.

(Shailendra Singh, J)

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