

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22993 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- UCHKAGAON District- Gopalganj

Dipak Yadav, S/o Paras Yadav, R/O village- Balesara Jahrulehata, P.S-
Uchakagaon, District.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18035 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- UCHKAGAON District- Gopalganj

Bullet Singh @ Vikash Kumar, S/o Yogendra Singh, resident of village-
Jamsar, P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22993 of 2023)

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

For the Opposite Party/s : Mr. Dashrath Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 18035 of 2023)

For the Petitioner/s : Mr. Anirudh Verma, Advocate

Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 12-05-2023 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.
2. Heard learned counsels for the petitioners and the learned APPs for the State.



3. Petitioners seek regular bail in connection with Uchakagaon P.S. Case No. 252 of 2022, dated 23.07.2022 registered for the offence punishable under Section 30 (a) (b) of Bihar Prohibition and Excise Act.

4. The main submissions, which are common to both the petitioners, advanced by the learned counsels for the petitioners are that both the petitioners were not arrested at the spot of recovery and as per allegation 297 litres of country made liquor is stated to have been recovered from a Scorpio vehicle but the said vehicle does not belong to either of the petitioners and the recovery was made in the night and as per FIR the accused persons managed to escape and merely on the basis of information given by the local chaukidar and villagers regarding the identity of the accused persons, both the petitioners and other co-accused persons have been made accused in this case but the said information is inadmissible in law, though against the petitioner namely, Dipak Yadav there are criminal antecedents of thirteen cases and against the petitioner Bullet Singh @ Vikash there are criminal antecedents of ten cases but they have got bail in most of the cases of their antecedents and one similarly situated co-accused person namely, Paras Yadav @ Parasnath Yadav has been granted



anticipatory bail by a co-ordinate Bench of this court vide order passed in Cr. Misc. No. 2950 of 2023. Further submissions are that the petitioner Dipak Yadav has been languishing in jail since 11.01.2023 and the petitioner Bullet Singh @ Vikash Kumar has been languishing in jail since 26.11.2022 and against the petitioners the investigation has been completed.

5. Learned APPs appearing for the State oppose the bail prayers of both the petitioners.

6. Considering the above submissions and mainly the facts that both the petitioners were not apprehended at the spot of recovery and the alleged wine is stated to have been recovered from a Scorpio vehicle and the petitioners have taken the plea that they have no concern with the said vehicle and according to FIR the petitioners' involvement in the alleged crime was disclosed by a local chaukidar and local persons and admittedly the recovery was made in the night and also taking into account the completion of investigation against the petitioners, in the opinion of this court, the petitioners deserve to a lenient approach of this court. Accordingly, **let both the petitioners be released on bail after framing of charge, if the same has not been framed**, on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the concerned Court in
connection with Uchakagaon P.S. Case No. 252 of 2022.

(Shailendra Singh, J)

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