

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39876 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- DAUDPUR District- Saran

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1. Guddu Singh @ Ajit Kumar Singh @ Ajit Singh, S/o- LATE LAL BABU SINGH, Village- Jaitpur P.S.- Daudpur Dist- Saran
 2. Saroj Singh, son of Lal Babu Singh Village- Jaitpur P.S.- Daudpur Dist- Saran
 3. Vinay Singh @ Vinay Kumar Singh son of Late Narayan Singh Village- Jaitpur P.S.- Daudpur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Daudpur P.S. Case No. 148 of 2023 dated 02.05.2023 registered for the offences punishable under Sections 147, 341, 323, 353, 504 and 506 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned counsel for the petitioners are that the instant matter relates to the recovery of 200 litres illicit country-made liquor in which the major part of the liquor was recovered in following with the



disclosure made by the petitioners near a pond but the said allegation is completely vague as it is not mentioned in the FIR that among the petitioners who made that disclosure and the said fact is sufficient to show the false implication of the petitioners by the police, in fact the alleged recovery of the liquor was made near a pond and the petitioners were unaware of this fact and they were simply made as scapegoats and the police party did not follow the provisions of Section 100 of Cr.P.C. It is further submitted that against the petitioner No.1, there is criminal antecedent of one case but that case does not belong to Excise Act and he is on bail in the said case while against the rest petitioners, there is one case lodged under Excise Act in which they are also on bail. Further submission is that the petitioner No. 1 has been languishing in jail since 13.05.2023 while petitioner Nos. 2 and 3 have been languishing in jail since 03.05.2023.

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

5. Considering the above submissions and mainly the facts that as per the FIR and the seizure memo, the alleged liquor is not stated to have been recovered from specific possession of the petitioners and in this regard, the allegation



concerned to the recovery appears to be vague, and moreover, the alleged recovery was made before the police personnel and most of the material witnesses who are to be examined in the trial of the petitioners are official persons, in my opinion it is a fit case for bail to the petitioners. Accordingly, let all petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Daudpur P.S. Case No. 148 of 2023.

(Shailendra Singh, J)

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