

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74331 of 2022

Arising Out of PS. Case No.-606 Year-2020 Thana- SARAIYA District- Muzaffarpur

VICKY KUMAR @ VICKY SINGH S/o Lal Babu Singh R/v- Fanda, P.S.-
Paru, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Saraiya P.S. Case No. 606 of 2020, registered for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck and one Rausan Kumar was arrested from the spot, who had disclosed about the complicity of other accused persons, whereafter one person, namely, Sanjay Singh, had been arrested



subsequently, who upon interrogation, disclosed the complicity of the petitioner in the alleged occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 22.11.2022. The learned counsel for the petitioner has further submitted that the said co-accused person, who has taken the name of the petitioner, namely, Sanjay Singh, has already been granted bail, by a coordinate Bench of this Court, vide order dated 11.8.2021, passed in Criminal Miscellaneous No. 15745 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact



that neither the petitioner is the owner of the truck in question nor he has been apprehended from the spot nor any illicit liquor has been recovered from his conscious possession, apart from the fact that he is having a clean antecedent and the person, who has disclosed his name, has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. II, Muzaffarpur in connection with Saraiya P.S. Case No. 606 of 2020.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

