

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74241 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- LALGANJ District- Vaishali

Tarkeshwar Singh Son of Vidha Singh @ Vidya Singh R/O of Village-
Salempur, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Lalganj P.S. Case No. 133 of 2023, registered on 23.03.2023 for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received information about petitioner and other co-accused persons running a manufacturing unit of illicit liquor on certain identified place. A raid was conducted but miscreants fled away from the spot and the petitioner was named by the villagers as one of the persons who escaped from the spot. From search of the place, six containers carrying 200 litres of illicit liquor was recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner who was not apprehended from the spot. Recovery has been shown from an agricultural field and the petitioner has no concern with the said place. Petitioner is accused in cases of similar nature and on the basis of confessional statement of other persons, he has been roped in this case as well. The petitioner is in custody since 11.09.2023. The petitioner has been made accused in five cases of similar nature but he is on bail in three such cases.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is a habitual offender and he is accused in five cases of similar nature.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from the conscious possession of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Exclusive Special
Excise Court No. I -cum- Additional District & Sessions Judge,
Vaishali at Hajipur/concerned court in connection with Lalganj
P.S. Case No. 133 of 2023, subject to the conditions mentioned
in Section 437(3) of the Code of Criminal Procedure and also
the following conditions:

- (i) One of the bailors will be a close
relative of the petitioner.
- (ii) The petitioner will remain present
on each and every date fixed by the
court below.
- (iii) In case of absence on three
consecutive dates or in violation of the
terms of the bail, the bail bonds of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

DKS/-

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

