

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2076 of 2023**

Arising Out of PS. Case No.-4 Year-2020 Thana- DELHA District- Gaya

Vickey Kumar @ Vickey Sao, Son of Ishwari Shah @ Ishwar Saw @ Guard  
Babu, R/o Mohalla- Nauranga, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      25-04-2023                      1. Heard learned counsel for the petitioner and the  
learned APP for the State.

2. Petitioner seeks regular bail in connection with  
Delha P.S. Case No. 04 of 2020 dated 06.01.2020 registered for  
the offence punishable under Section 30(a) of Bihar Prohibition  
and Excise Act.

3. The main submissions advanced by the learned  
counsel for the petitioner are that as per the FIR and seizure list  
the alleged wine was recovered from the house of co-accused  
Dilip Thatera and a vehicle (car) parked outside the house  
of the said co-accused Dilip Thatera and the petitioner was not  
apprehended at the spot and the said co-accused was arrested  
when the police raided the alleged place of recovery and he  
revealed the name of this petitioner being involved in the  
smuggling of wine but except the said statement of apprehended



co-accused there is no any other material against the petitioner and he has been languishing in jail since 11.11.2022, though against the petitioner there are criminal antecedents of three cases but he has got bail in all the said cases and in the present matter the investigation has been completed against him.

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

5. Considering the above submissions and mainly the facts that the alleged recovery was made from the house of co-accused and a car parked outside the house of the said co-accused and petitioner was not arrested at the spot and his name surfaced in the statement of arrested co-accused, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Delha P.S. Case No. 04 of 2020 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)**

Rajiv/-

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