

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11213 of 2024

Arising Out of PS. Case No.-143 Year-2023 Thana- LALGANJ District- Vaishali

Tarkeshwar Singh S/o Late Vidha Singh @ Vidya Singh R/o 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, Adv.

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Lalganj P.S. Case No. 143 of 2023 instituted for the

offences under Section 30(a) of the Bihar Prohibition and

Excise Act.

3. As per prosecution case, 70 liter illicit country-

made Chulai liquor was recovered from the agricultural field

and local *Chowkidar* disclosed the name of the petitioner and

others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



the present case due to enmity and village politics. The petitioner was neither present at the alleged place of occurrence nor any incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner has surfaced in this case only on the basis of local *Chaukidar* due to enmity and village politics. The petitioner has no concern with the seized article. The petitioner has six criminal antecedents of the similar nature of offence but, in all, he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 29.09.2023. He further points out that the similarly situated co-accused namely Manoj Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.01.2024 passed in Cr. Misc. No. 86082 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released



on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lalganj P.S. Case No. 143 of 2023.

(Rudra Prakash Mishra, J)

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