

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74597 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- SARAI District- Vaishali

Bidur Kumar S/O Rajendra Prasad Village And Post-Jagdishpur, Ps.
Jagdishpur, Dist. Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 77924 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- SARAI District- Vaishali

Muneshwar Kumar Son Of Late Nandeshwari Prasad Yadav R/O Vill -
Thatha, P.S. - Manshi, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 78889 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- SARAI District- Vaishali

Suresh Kumar Son Of Phoolchand Ram R/O- Nonadih, P.S.- Sikrahata, Dist.-
Bhojpur. Presently Posted As Constable In Sarai Police Station, P.S.- Sarai,
Dist.- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 74597 of 2023)
For the Petitioner/s : Mr.Priyanka Singh
For the Opposite Party/s : Mr.Shyam Bihari Singh
(In CRIMINAL MISCELLANEOUS No. 77924 of 2023)
For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Shaheen Begum
(In CRIMINAL MISCELLANEOUS No. 78889 of 2023)
For the Petitioner/s : Mr.Surendra Kumar Singh
For the Opposite Party/s : Mr.Ahmad Ali



CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-01-2024 Heard learned counsel for the petitioners and learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a case registered for the offences punishable under Sections 409, 120(B) of the Indian Penal Code and Sections 30(a), 32(i)(ii)(iii), 41(i)(ii), 51 and 52 of the Bihar Prohibition & Excise Act.

It is alleged against the petitioners that the petitioners being S.H.O, In-charge, *Malkhana* and a Constable, who were, at the relevant time posted in Sarai Police Station and present, in connivance with each other, had misused the official powers and were trying to sell the seized illicit liquor which was kept in the *Malkhana*. From the place of seizure, a pick-up van carrying 405 litres of illicit liquor was seized and the petitioners were arrested. It is alleged that the said illicit liquor was to be sold to the Alok Kumar @ Alok Singh.

It is submitted by learned counsel for the



petitioners that petitioners are innocent and they have falsely been implicated in this case. The petitioners are honest police officials and had always protested the illegal actions of the informant. The informant and the so called seller namely Alok Kumar were colluding with each other and this Alok Kumar had falsely implicated the petitioners in the present case since the petitioner/Bidur Kumar, at earlier point of time, had filed Sarai P.S. Case No. 227 of 2023 against Alok Kumar. The alleged illicit liquor was in the process of being destroyed. From perusal of the F.I.R also, it is apparent that date and time had been manipulated in the own handwriting of the informant. Moreover, the petitioners have been dismissed from the service by the Inspector General of Police, Tirhut Zone, Muzaffarpur vide its letter dated 23.12.2023. The said dismissal order has been produced, which has been brought on record. The petitioners are languishing in custody since 17.09.2023.

In contra, learned A.P.P appearing on behalf of



the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-II, Vaishali at Hajipur in connection with Sarai P.S. Case No. 237 of 2023.

(Sunil Kumar Panwar, J)

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