

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86526 of 2023

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

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Parmeshwar Ram S/o Late Laxman Ram Resident of village-Mahamdabad,
P.S-Sarai, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-01-2024 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is 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 S.H.O, In-charge, *Malkhana* and Constables, who were, at the relevant time posted in Sarai Police Station and present, that in connivance with each other, they 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 accused persons including the petitioner being Constable and was present in the place of seizure, 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 petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is Chaukidar of the said police station and he is not involved in the alleged occurrence directly or indirectly and he was dragged in this case due to high-handedness of the senior officers. No incriminating article was recovered from the conscious possession of the petitioner. There is general and omnibus allegation against the petitioner. No independent witness has supported the allegation attributed against the petitioner. The petitioner is 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 petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Prohibition & Excise Court-II-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Sarai P.S. Case No. 237 of 2023.

(Sunil Kumar Panwar, J)

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