

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19320 of 2020

Arising Out of PS. Case No.-251 Year-2019 Thana- DAGARUA District- Purnia

DILIP KUMAR DIPAK Son of Moti Prasad Sinha Resident of Village -
Ratauli, P.S. - Pipra, District - Supaul.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned APP for the State.

Petitioner seeks bail in Dagarua PS Case No. 251 of 2019, Special Excise Case No. 1051 of 2019 registered under Section 272, 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

173.625 litres of illicit liquor was recovered from a vehicle on which the petitioner was travelling. The petitioner is alleged to have been travelling with Nitesh Kumar.

Learned Counsel for the petitioner submits that having no criminal antecedent the petitioner is in custody since 28.12.2019. There is no compliance of Section 100 Cr.P.C. The recovered article



has not been verified as to whether it is alcoholic substance or not. Co-accused Nitesh Kumar, who is said to have been travelling with the petitioner, has been allowed bail in Cr. Misc. No. 13052 of 2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions the prayer for bail is allowed.

Let the petitioner above named 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Purnea in Dagarua PS Case No. 251 of 2019, Special Excise Case No. 1051 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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