

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29034 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- BIBHUTIPUR District- Samastipur

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DHIRAJ KUMAR SINGH Son of Gauri Shankar Singh Resident of Village-
Saakhmohan Ward no. -03, P.S.- Vibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 21-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Ram Sevak Choudhary, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

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

Learned counsel for the petitioner is expected to honour



his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Vibhutipur P.S. Case no. 17 of 2020, instituted for the offence under Sections 272 and 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016

1312.200 liters of illicit liquor is alleged to have been recovered from the petitioner's house.

It is submitted by the petitioner's counsel that the allegation are false. Even as per these false allegations recovery is from a joint family property. The petitioner is now in custody since 03.06.2020 i.e. more than six months. The implication is based on earlier two criminal antecedents but for different allegations. There is total non compliance of mandatory procedure prescribed under Section 100 Cr.P.C. and there is no forensic opinion on the record to suggest that the recovered substance is illicit liquor/intoxicant.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount



each to the satisfaction of the 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Samastipur, in connection with in Vibhutipur P.S. Case no. 17 of 2020, 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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