

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30468 of 2020**

Arising Out of PS. Case No.-138 Year-2020 Thana- KARJA District- Muzaffarpur

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DILIP KUMAR SHAH @ DILIP KUMAR Son of Badri Sah Resident of
Village- Rautiniya, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr. Ganesh Pd. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Karja P.S. Case No. 138/2020 registered for the

offences punishable under Section 272, 273, 34 of the Indian

Penal Code and Section 30 of the Bihar Prohibition and Excise

Act.

Learned counsel for the petitioner has submitted from

the first information report that when the informant stopped the

vehicle i.e. Magic ACE, while on patrolling duty, it was found

that two persons were sitting in the vehicle disclosed their name



as Santosh Kumar (Driver) and Shiva Kumar. On search of Tata Magic ACE different quantity of foreign liquors approximately 391 liters was recovered. It is further alleged that in presence of witnesses seizure list was prepared.

Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner and petitioner has been falsely implicated in this case. Petitioner was unaware that wine was being loaded on the said vehicle. Learned counsel further submits that petitioner is in custody since 22.06.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner claims that nothing has been recovered from his conscious possession and that it is a case of false implication, he is the owner of the vehicle and was unaware that wine was being loaded on the said vehicle and further that the petitioner has remained in custody since 22.06.2020, he has otherwise no criminal antecedent and at this stage there is no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above



named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Karja P.S. Case No. 138/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and



observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

