

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1323 of 2020

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DINESH KUMAR AGED ABOUT 35 YEARS (M) S/O SITA RAM JEE
R/O VILLAGE-WAJMULIPURA PS-TAHSIL COURT, DISTRICT-
JAIPUR (RAJASTHAN).

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Op. Party

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kr Singh, Adv

For the Respondent/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates and the Staffs joined the proceedings through Video Conferencing from their residence.)

Date : 12-05-2020

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

Petitioner seeks regular bail in connection with **Manjhi P.S. Case No. 336 of 2019** registered for the offence punishable under sections 30/30(A), 38(i) & (ii) of Bihar Prohibition and Excise Act.

Informant in his written report has alleged that on receipt of secret information, he along with Officer-in-charge and other p reached Ballia More at about 11:00



pm for special vehicle checking and during the course of vehicle checking one Oil Tanker coming from Ballia (U.P) side followed by Wagon-R boarded by three persons were stopped and during the course of search of Oil Tanker 1425 litres of Indian made foreign liquor was recovered which was concealed in a separate chamber made in the Oil Tanker.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Petitioner is only the driver of the Oil Tanker and he was not aware that illicit liquor was concealed in the Oil Tanker. Nothing has been recovered from the possession of the petitioner. Petitioner has got no criminal antecedent and is in custody since 02.11.2019.

Learned counsel for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case and period of custody, let the petitioner named above be released on bail on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount in connection with **Manjhi P.S. Case No. 336 of 2019**, to the satisfaction of **2nd ADJ-cum-Special Judge, Excise, Saran at Chapra**, subject to the



following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

- (i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my *e-mail* I.D. by the Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my *e-mail* I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.
- (iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.
- (iv) The said order shall be communicated to the Court below for the needful by the Secretary through *e-mail*.
- (v) Let a copy of the order be sent to the learned counsel for



the petitioner also on his *e*-mail address. Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(S. Kumar, J)

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