

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12959 of 2021**

Arising Out of PS. Case No.-598 Year-2020 Thana- SONEPUR District- Saran

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DILIP KUMAR SON OF HARI SHANKAR RAI R/o village- Sabalpur West
Tola, P.S.- Sonapur, District- Saran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-06-2021 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 Sonapur P.S. Case No. 598 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a), 38, 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story the informant got secret information that huge quantity of illicit liquor is to be delivered at brick kiln of



Tribhuwan Rai. The informant along with police party reached at the said place and saw few persons standing near a pick-up van. On seeing police, the accused persons fled away leaving the pick-up van and upon search a total of 596.16 litres of illicit liquor was recovered from the said pick-up van.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the illicit liquor and he is neither the driver nor the owner of the pick-up van from which the illicit liquor has been recovered. Learned counsel submits that the petitioner is in custody since 24.11.2020.

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 it is the submission of learned counsel for the petitioner that the petitioner is neither the driver nor the owner of the pick-up van from which the illicit liquor has been recovered, further submission that he has been falsely implicated in this case alleging that he was seen by the chowkidar fleeing away from the place of occurrence, the submission being that the petitioner is in custody in connection



with this case since 24.11.2020 and in one case against him as stated in paragraph '3', he is said to be on bail, investigation against him is complete but the trial is not likely to be concluded in near future, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Sonepur P.S. Case No. 598 of 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

