

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27715 of 2021

Arising Out of PS. Case No.-256 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Dilip Kumar @ Rajiv Kumar, Son Of Yogendra Paswan, Resident of Village -
Boariya, P.S.- Motipur, Dist.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2021 Heard learned counsel for the petitioner and Mr.
Pranav Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Excise Case No. 256/2020 P.R. No. 03/2020
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the informant has
alleged that while he received secret information that Bhola Rai
and Vinay Rai have carried stock of illegal foreign liquor and
selling the same, he reached at the sought side of Kanti Thermal
Power and searched a Truck from which total 4303.800 liters of
illegal English wine have been recovered. The petitioner Dilip
Kumar @ Rajiv Kumar has disclosed that he has been called by
co-accused Bhola Rai and Vinay Rai for unloading the said



truck.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion, nothing has been recovered from the possession or house of the petitioner. Learned counsel submits that the illegal liquor has been recovered from the Truck which does not belong to the petitioner, however he is in custody since 23.11.2020 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 in which the prosecution report as contained in Annexure '1' itself says that this petitioner was called by accused no. 1 & 2 only for purpose of unloading of the liquors from the Truck, accused no. 1 & 2 are said to be the persons dealing in the illicit liquor whereas there is no such allegation against this petitioner who is accused no. 3, the petitioner has got no criminal antecedent and has remained in custody since 23.11.2020, this court directs release of the petitioner above named 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 Excise Case No. 256/2020 P.R. No. 03/2020,
subject to the condition as laid down under Section 437 (3)
Cr.P.C.

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.

(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'.

