

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30998 of 2021

Arising Out of PS. Case No.-425 Year-2019 Thana- BRAHMPUR District- Buxar

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DIPU SHAH @ DIPAK SHAH Son of Mangal Shah @ Baasropan Shah
Resident of Village- Noniapura, P.S.- Brahmpur (Krishna Brahm), District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-12-2021 The instant case has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel for the petitioner and

Sri Kalyan Shankar, the learned APP for the State.

The petitioner seeks regular bail in connection

with Brahmpur (Krishna Brahm) PS case no. 425 of 2019

instituted for the offences punishable under Sections 30(A) of

Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, as per the self statement

of SI Manoranjan Prasad Rai, SHO, Krishnabrahm Police

Station recorded on 30.09.2019 at 6.45 am is to the effect that



the informant received information at 12.20 am on 30.09.2019 that the accused persons namely Gorakh Prasad, Kanhaiya Yadav, Sunil Pandey, Dipu Shah (petitioner) and Brahmeshwar Yadav have brought truck loaded with liquor and are preparing to unload the same. Consequently, the informant raided the place and pick up van bearing registration no. WB 37C 1244 was intercepted from which, 1512 liters of Indian made foreign liquor were recovered. Thereafter, further raid was laid in village Noniapura where the truck bearing registration no. UP 70 AT 8386 was intercepted which was stuck in the mud and from the same, 6505.920 litres of Indian made foreign liquor were recovered, leading to registration of the present FIR.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the recovery of illicit liquor has been made from an open space and as far as the petitioner is concerned, he was not present at the spot. It is also submitted that the petitioner has got no concern with the vehicle in question. Lastly, it is submitted that the co-accused person namely Gorakh Prasad has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.05.2020,



passed in Cr. Misc. no. 4257 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of case of the petitioner with that of the co-accused person who has been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.D.J. II-cum-Special Judge (Excise) Act, Buxar in connection with Brahmpur (Krishna Brahm) PS case no. 425 of 2019.

(Mohit Kumar Shah, J)

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