

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34001 of 2021**

Arising Out of PS. Case No.-26 Year-2020 Thana- JADOPUR District- Gopalganj

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DIPU KUMAR @ DEEPU KUMAR S/o Kishan Yadav @ Krishna Ji R/o
Village- Rampur Tengrahi, P.S.- Jadopur, District- Gopalganj. Presently
residing at Village- Bhagwanpur, P.S.- Nautan, Distt.- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr.Satyadeo Singh Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 01-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Trial No. 4895
of 2021 arising out of Yadavpur @ Yadopur @ Jadopur P.S.
Case No. 26 of 2020 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

Allegation is of recovery of 219 litres of country made
liquor from the bank of a river along with one motorcycle.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that the motorcycle bearing Registration No. BR-28T 9772 from which allegedly the liquor was recovered does not belong to the petitioner rather the same has been registered in the name of one Rakesh Rai. Petitioner is in custody since 14.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise, Gopalganj in connection with Trial No. 4895 of 2021 arising out of Yadavpur @ Yadopur @ Jadopur P.S. Case No. 26 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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