

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS THROUGH VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3521 of 2021**

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

DINESH KUMAR @ DINESH KUMAR SINGH @ DINESH KUMAR RAY
Son of Kailu Rai Resident of Village - Chochahi, P.S. - Bibhutipur, District -
Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar,Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal,APP

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

2 19-03-2021 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 Bibhutipur/Vibhutipur P.S. Case No. 285 of
2020 registered for the offences punishable under Section 272,
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act and Section 25(1-b)(a)/26/35 of the
Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, on secret information police party reached
Bhutha Chowk where they found two vehicles coming from



Dalsingsarai but on seeing the police party the driver of the truck and several persons seated in Bolero tried to flee away. It is alleged that three persons were arrested from Bolero vehicle including this petitioner. On search of the truck and Bolero, total 4410 liters and 90 liters of foreign liquors were recovered respectively. It is alleged that on search of the apprehended persons, 9 live cartridges and one blank magazine of cartridge were recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that though the allegation of recovery of live cartridges was from possession of the co-accused but so far as this petitioner is concerned, there is no allegation of recovery of arms and ammunition. It is submitted that the petitioner has no concern either with the vehicle in question or with the alleged seized articles. The petitioner is in custody since 24.09.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, from which it appears that the Bolero vehicle in which the petitioner along with two co-accused were travelling, altogether



90 liters of illicit liquors have been seized, though the allegation is that from possession of the co-accused some live cartridges were recovered but so far as this petitioner is concerned, there is no allegation that any arm or ammunition was in his possession, the submission of learned counsel for the petitioner being that this petitioner is innocent and he has no concern either with the vehicle in question or with the illicit liquor which were found from the vehicle in question, he has otherwise no criminal antecedent and has remained in jail in connection with this case for about 6 months, investigation against him is complete and at this stage there is no submission of the State that release of the petitioner is in any way likely to result in tampering with the evidence or interfering with the course of trial, 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 Special Judge, Excise, Samastipur in connection with Bibhutipur/Vibhutipur P.S. Case No. 285 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.

The 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'.

