

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5634 of 2021

Arising Out of PS. Case No.-583 Year-2020 Thana- KAHALGAON District- Bhagalpur

DIWAKAR KUMAR S/O PARMANAND MANDAL R/O VILLAGE
ATHGAMA, P.S-KHARIK, DISTRICT-BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar,Adv

For the Opposite Party/s : Mr. Ram Naresh Ray, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 12-04-2021

Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Informant in his written report has alleged that on 20.09.2020 when he was on patrolling duty he received secret information that liquor traders are coming from Mahagam (Jharkhand) to Kahalgaon on motorcycle. After receiving such information, he reached near Brahamchari Railway Crossing and started vehicle checking and during the course of vehicle checking two persons seated on motorcycle seeing the police party tried to flee away but were apprehended who disclosed their name as Sagar Kumar and Diwakar Kumar. Total 60 litre



of illicit country made liquor was recovered from motorcycle.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion. Petitioner has no concern with the seized liquor and motorcycle. Nothing has been recovered from the conscious possession of the petitioner rather the same has been recovered from the motorcycle. Petitioner has got no criminal antecedent and is in custody since 23.09.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Kahalgaoon P.S. Case No. 583 of 2020**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the



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

(S. Kumar, J)

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