

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8189 of 2021**

Arising Out of PS. Case No.-345 Year-2020 Thana- NAWANAGAR District- Buxar

Dipu Kumar aged about 25 years Son Of Surendra Singh R/O Vill.Kandasar,
P.S.- Nawanagar, Distt.- Buxar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 24-05-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 30a/37(2) of the Bihar
Prohibition and Excise Act and under sections 25/26/35 of the
Arms Act.

As per the prosecution case, on secret information a
raid was conducted and petitioner was arrested and on search a
country made pistol with three live cartridges were recovered
from his possession and total 15.300 liters of English wine was
recovered from the vehicle in which petitioner and other three
accused persons were travelling.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this concocted case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Procedures of search and seizure have not been followed in the case. Other accused persons have already been allowed bail by the court below itself on 12.11.2020. Petitioner is in custody since 30.9.2020.

Considering the facts and circumstances of the case and the fact that petitioner is in custody since 12.11.2020, 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 Additional Sessions Judge II cum Special Judge, Excise Act, Buxar in Nawanganar (Sonversa) Police Station Case No. 345 of 2020 the on 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/her absence on two consecutive dates without sufficient reason, his/her 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.

(Prabhat Kumar Singh, J)

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