

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11785 of 2021

Arising Out of PS. Case No.-321 Year-2020 Thana- MAHUA District- Vaishali

Dipak Kumar Son of Mr. Shiv Chandra Rai Resident of Village - Mahua
Singh Ray, P.S. - Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pravin Kumar, Adv. Mrs.Vaishnavi Singh, Adv.
For the Opposite Party/s :		Mr.Dilip Kr. No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seek bail in connection with Mahua P.S. Case No. 321 of 2020 registered for the offence punishable under Section 30(1), 32(ii), 34(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise Act.

Altogether 4320 litres of foreign liquor is said to have been recovered from a truck. The accused persons who were



standing outside the truck fled away on motorcycles. The local chowkidar disclosed the name of the petitioner and others who were involved in wine business.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The said truck does not belong to the petitioner. He has been falsely implicated in this case by the police. It was night time and no source of identification has been disclosed. Similarly situated co-accused namely Pankaj Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 10.03.2021 passed in Cr. Misc. No.33537 of 2020. Petitioner has two criminal antecedents as mentioned in para-3 of the present petition and has been languishing in custody since 29.06.2020.

Petitioner is agreed to deposit a sum of Rs. 50,000.00 (Rupees Fifty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.



Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II cum Special Judge, Excise Act, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 321 of 2020, with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is related to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bonds of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.50,000.00 (Rupees Fifty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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