

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10494 of 2022

Arising Out of PS. Case No.-52 Year-2020 Thana- BIDUPUR District- Vaishali

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Dipak Kumar @ Deepak Kumar S/o Late Sagar Rai @ Ram Sagar Rai
Resident of Village- Nawanagar, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravish Mishra
For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 52 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.01.2022.

The name of the petitioner surfaced in this case on the
basis of a secret information received by the police having in
connection with a consignment of 3670.80 liters of illicit IMFL
loaded in a truck.

Learned counsel appearing on behalf of the petitioner



submitted that except secret information, as alleged against the petitioner, there is nothing on record or fact surfaced during the course of investigation, which may connect the petitioner with alleged recovery of illicit foreign liquor. It has further been submitted that petitioner is a man of clean antecedent and when his name has been surfaced in the present case, he, on his own being a law abiding citizen, surrendered before the Court of law and since then he is in custody. While concluding the argument, it has been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that there is nothing on record which may connect the petitioner with alleged recovery of foreign made liquor.

Considering the facts and circumstances as mentioned above, as there is nothing on record which may connect the petitioner with alleged recovery coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Bidupur P.S. Case No. 52 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special
Excise Court No.1-cum-Additional District and Sessions Judge,
Vaishali at Hajipur, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be properly
represented on each and every date before
the Trial Court till conclusion of the trial and
exemption from physical appearance be
allowed by the Trial Court only on medical
ground duly supported by the documents.

(ii) If involvement of the petitioner
in any criminal case has been surfaced
contrary to the affidavit, the Trial Court shall
be at liberty to cancel the bail bond of the
accused/petitioner.

(iii) That one of the bailors shall be
the close relative of the accused/ petitioner
like mother/wife/sister/brother.”

(Chandra Shekhar Jha, J)

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