

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13641 of 2022

Arising Out of PS. Case No.-734 Year-2021 Thana- MAHUA District- Vaishali

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DILIP RAY @ DILIP KUMAR Son of Bali Ray Resident of Village -
Bisanpur madhaul, P.s.- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pratima Kumari

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Mahua P.S. Case No. 734 of 2021 registered for
the alleged offences under Section 414 Indian Penal Code and
Section 30(a), 32(ii), 34(ii) and 41(i) of Bihar Prohibition and
Excise Act, 2018.

The prosecution case is that police received secret
information is that the petitioner has brought huge quantity of
foreign liquor and the same was loaded on smaller vehicle from
the truck. The raid was conducted on the said place and about



2919.480 liters of illicit foreign liquor was seized. The petitioner and other co-accused persons fled away from the spot.

The learned counsel for the petitioner submits that the petitioner has falsely implicated in this case, he is neither the owner nor the driver of the vehicle and he has got no concern with the alleged liquor. The petitioner was not arrested from the spot and nothing has been recovered from his conscious position. Though the petitioner has accused in another case but he has been granted bail by this Court. The petitioner is in custody since 30.10.2021.

Learned A.P.P. for the State has opposed the prayer of bail of the petitioner and submitting that huge quantity of liquor has been seized and petitioner is the main culprit.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted and period of detention, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.2-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 734 of 2021, subject to the following conditions :



(i) The bail bond of the petitioner shall be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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