

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14833 of 2022

Arising Out of PS. Case No.-95 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

Dilip Kumar Son Of Awadhilal Prasad R/O Village- Neknama, P.O.- Chatursi,
P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs Bela Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mrs. Bela Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Siwaipatti P.S.Case No. 95 of 2020 for the offences punishable under Sections 272,273,420/34,120B of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that the police on a secret information, raided the tent house of Vikash Kumar and on search being made altogether



1216.080 liters of foreign made liquor was recovered. It is further alleged that petitioner and others are said to be one of the member of syndicate involved in trade of illicit liquor.

It is submitted by the learned counsel for the petitioner that from the FIR, it is evident that the alleged recovery has been made from the tent house of the accused Vikash Kumar which was running in rented house of Varun Kuwar. It is also submitted that petitioner was neither arrested on the spot nor any incriminating material has been recovered from person or possession of the petitioner. It is next submitted that co-accused Nand Lal Prasad on whose disclosure, the name of the petitioner has implicated has already been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No.2068 of 2021 vide order dated 26.03.2021 and moreover this petitioner has been remanded in this case on 25.11.2021 and since then he is in custody.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is a member of Syndicate, involved in trade of illicit liquor and has found involved in two other



cases.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested on the spot nor any incriminating articles has been recovered and moreover, the accused person on whose disclosure, the name of the petitioner has been implicated, has been granted bail by the learned co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise court-I, Muzaffarpur in connection with Siwatipatti P. S. Case No. 95 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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