

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17487 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- DHAMDAHA District- Purnia

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DIPAK KUMAR @ DIPAK YADAV SON OF SUBHASH YADAV R/O
VILLAGE- MADHAV NAGAR, P.S.- BHAWANIPUR, DISTRICT-
PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect(s), as pointed out by the office, be removed within a period of 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 Dhamdaha P.S. Case No. 258 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on secret information that petitioner and some unknown persons have kept large consignment of illicit liquor at the brick kiln of co-accused Iqbal Hussain, the place was raided. One person was apprehended from the spot and total 811.470 liters of foreign liquor was recovered from brick kiln



and the same was seized.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is apparent from the FIR that the petitioner was not arrested from the spot and nothing incriminating has been recovered from his possession. Brick kiln belongs to co-accused Iqbal Hussain and petitioner is nothing to do with it. Petitioner has been implicated in this case on the basis of confessional statement of co-accused Roonak Kumar. Moreover, there is violation of statutory provisions with regard to the search and seizure. Charge sheet has been submitted in this case and petitioner is in custody since 21.02.2022. Learned counsel further submits that he has brought on record by filing supplementary affidavit the criminal history of the petitioner who is accused in three other cases as well.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal history and he is a habitual offender.

Having regard to the facts and circumstances and submission made hereinabove and also that the charge sheet has been submitted and petitioner is in custody for about five months, 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 Exclusive Special Excise Judge Court No. 2, Purnea in connection with Dhamdaha P.S. Case No. 258 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will 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) The petitioner will not commit similar type of offences in future.
- (v) In case of absence on 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)

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