

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19422 of 2022**

Arising Out of PS. Case No.-369 Year-2021 Thana- MAHUA District- Vaishali

Dilip Kumar @ Dilip Rai Son of Balli Rai @ Bali Ray @ Jali Rai R/O
Village- Bisunpur Madhaul, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra
For the Opposite Party/s : Mr.Surendra Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 04-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 369/2021 registered for the offences punishable
under Sections 30(a)/32(ii)/34(ii)/38(ii)/41(i) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 2023 liters foreign liquor from Pick-up van in question.
The petitioner and others fled away from the place of
occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither driver nor owner of the said vehicle in question. Seizure list has not been prepared as per law. The petitioner is languishing in custody since 27.01.2022 and bears criminal antecedent of three cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Niraj Kumar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.69546/2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-IIInd cum Additional District and Sessions Judge, Hajipur, Vaishali in connection with Mahua P.S. Case No. 369/2021, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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