

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20518 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Dinesh Kumar, S/o Rampukar Ray, R/o village- Baluaha Bhutane Tola
Malikana, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Excise Case No. 60 of 2021 arising out of P.R. No. 89 of 2021 registered for the alleged offences under Sections 30(a) and 32 (1) (2) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of total 1278 litres of illicit liquor was made from the house of this petitioner and the co-accused Vibhuti Kumar.



The learned counsel for the petitioner submits that petitioner was neither apprehended from the spot nor anything incriminating has been recovered from his possession. In fact, someone has thrown the illicit liquor in the house of the petitioner when he saw the police party and fled away from there. The learned counsel further submits that there is no material against this petitioner and the co-accused son of the petitioner has been granted anticipatory bail by this court. Moreover, the recovery has been shown from a joint family property and there is no cogent evidence against this petitioner for his being involved in the trade of liquor. Prosecution report has been submitted and the petitioner is in custody since 15.02.2022.

Learned APP opposes the prayer for bail submitting that large quantity of liquor has been recovered from the house of this petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been shown to have been recovered from his conscious possession and further considering the submission of prosecution report along with period of his custody, 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 Judge, (Excise) Court No-II, Muzaffarpur in connection with Excise Case No. 60 of 2021 arising out of P.R. No. 89 of 2021, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and 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 the person, who has sworn the affidavit on behalf of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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.

Rajnish/-

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(Arun Kumar Jha, J)

