

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26039 of 2022

Arising Out of PS. Case No.-117 Year-2022 Thana- DAUDNAGAR District- Aurangabad

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DIPAK KUMAR @ RAUKI S/o Nand Kishore Singh @ Nand Kishore Prasad Verma Resident of Village- Mohan Bigha Pani Tanki, P.S.- Dehri (Town), District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Singh

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 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 Daudnagar P.S. Case No. 117 of 2022 registered for the offences punishable under Sections 30(a), 30(c), 33, 36 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 880 litres spirit and 660 litres of country made liquor from pickup van in question. The petitioner is alleged to be the driver of said pickup van.

Learned counsel for the petitioner submits that



petitioner is in custody since 09.03.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from conscious or physical possession of the petitioner. The petitioner has no concern with the alleged Pickup van.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX-cum-Special Judge, Excise-II, Aurangabad in connection with Daudnagar P.S. Case No. 117 of 2022, 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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