

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26391 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

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Dinesh Kumar Dubey Son of Roop Narayan Dubey @ Roop Narayan
Resident of Village- Suklunpurwa Singha Chanda, P.S- Tarabganj, Dist-
Gonda, State - Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-09-2022 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

Kuchaikote P.S. Case No. 95/2022 registered for the offences

punishable under Sections 420, 467, 468, 471 of the Indian

Penal Code and Section 30(a) of the Bihar Prohibition and

Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of

total 56.250 liters foreign liquor from the Bus in question. The

petitioner being a driver of the said bus and he apprehended on

the spot.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner being a driver had no knowledge about the nature of the article which was kept in the Dickey of the Bus. The petitioner is languishing in custody since 10.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV cum Special Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 95/2022, 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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