

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29464 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- BELHAR District- Banka

Diwakar Das, Son of Singheshwar Das, Resident of Village- Bagdasba, P.S-
Belhar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ranjay Kumar Singh, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State

The petitioner seeks regular bail, who is in
custody in connection with Special Excise Case No. 137 of
2022, arising out of Belhar P.S. Case No. 38 of 2022,
registered for the offences punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the
police received a message from Anti Liquor Control, Patna



that Diwakar Das (petitioner) is preparing illicit liquor in the forest situated at village Bagdhaswa, raid was conducted and 80 litres of illicit country made liquor, 4000 litres of dipped Mahua, utensils and other instruments used for preparation of liquor was seized. It is further alleged that the petitioner and other co-accused managed to escape from the place of occurrence.

It is submitted by the learned counsel for the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and only because of the past criminal antecedent of the petitioner, his name has been implicated. It is further submitted that admittedly, the recovery has been made from a forest, which is a public place and does not belong to the petitioner. It is next submitted that petitioner is in custody since 14.02.2022.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner has found involved in three another cases.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was



neither arrested at the spot nor any incriminating material has been recovered from the person or possession of the petitioner and the alleged recovery was made from the forest and moreover the petitioner is in custody since 14.02.2022, apart from the fact that the investigation has already been completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka in connection with Special Excise Case No. 137 of 2022, arising out of Belhar P.S. Case No. 38 of 2022,, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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