

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42038 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- DAUDNAGAR District- Aurangabad

DIPAK KUMAR S/o Shivjanam Yadav Resident of Village- Ajarkawe
Hasauli, P.S.- Muffasil, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
General Registration No. 642 of 2021 arising out of Daudnagar
P.S. Case No. 272 of 2021 for the offence registered under
Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code
and Sections 30(a), 34, 36, 41(1) of the Bihar Prohibition and
Excise Act.

The allegation is regarding recovery of 4575 litres of
illicit liquor from a truck. The said truck was also being
followed by a small car and the police had intercepted both the
truck and the car. It is further alleged that from the truck in
question 4575 litres of illicit liquor was recovered, however,
no recovery was made from the car in question but the
petitioner was apprehended while he was sitting in the said car.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 21.05.2021. The learned counsel for the petitioner has further submitted that neither any illicit liquor has been recovered from the car in question in which the petitioner was sitting nor any illicit liquor has been recovered from the conscious possession of the petitioner. It is also submitted that neither the car nor the truck in question belongs to the petitioner.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no recovery of illicit liquor has been made either from the conscious possession of the petitioner or from the car in which the petitioner was travelling as also the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Aurangabad in connection with General Registration No. 642 of 2021 arising out of Daudnagar P.S. Case No. 272 of 2021.

(Mohit Kumar Shah, J)

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