

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37759 of 2022

Arising Out of PS. Case No.-587 Year-2020 Thana- KANTI District- Muzaffarpur

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Dhiraj Kumar @ Dhiraj Kumar Singh, Son of Nagendra Singh, Resident of
Village - Govind Phulkahan, P.S.- Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Kanti (Panapur O.P.) P.S. Case No. 587 of 2020 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information about petitioner and co-accused persons that they had stored India made foreign liquor at the poultry farm and supplying the illicit liquor through their vehicles and the petitioner was said to be present there being a trader of illicit



liquor. A raid was conducted on the poultry farm of the co-accused and 1205.23 liters of India made foreign liquor was recovered from the poultry farm along with the vehicles of co-accused persons. The petitioner escaped from the place of occurrence.

The learned counsel for the petitioner submits that the petitioner is innocent and has been implicated in this case. The petitioner has no concern with the recovered liquor or the vehicle. It is obvious that the recovery has been made from the poultry farm of the co-accused person and this fact is apparent from the plain reading of FIR. The co-accused person Nikku Singh, from whose poultry farm, recovery has been made, has been granted bail by a Coordinate Bench vide order dated 03.03.2021 passed in Cr. Misc. No. 1725 of 2021. Another similarly situated co-accused namely, Vishwajeet Singh has been granted anticipatory bail by another Coordinate Bench on 27.07.2021 passed in Cr. Misc. No. 14484 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 07.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove



and considering the fact that no recovery has been shown from the petitioner, who was not apprehended from the spot and further considering the submission of charge sheet and period of custody of the petitioner, 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 Kanti (Panapur O.P.) P.S. Case No. 587 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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