

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37599 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- PATEPUR District- Vaishali

Dhiraj Kumar Son Of Munna Sah Resident Of Village- Sarwarganj Sri
Chandpur Kothia, P.S.- Bangra, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Prasad,Advocate

For the Opposite Party/s : Mr.Asha Kumari, APP

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 Patepur P.S. Case No. 153 of 2022 registered for the alleged offences under Sections 30(a), 32(2), 38(2) and 41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information about bringing of consignment of illicit liquor by some persons and a pick-up van was intercepted and from the said van 606.6 litres of India made foreign liquor was recovered. The petitioner is stated to be the driver of the vehicle who was



apprehended from the spot and disclosed that the liquor as well as the vehicle belong to co-accused Deepak Kumar who was moving ahead of vehicle on a motorcycle and ran away from the spot on seeing the police leaving behind his motorcycle. Recovery of 9 litres of illicit liquor was made from the motorcycle.

Learned counsel for the petitioner submits that it is apparent from the F.I.R. that the petitioner has nothing to do with the seized liquor which belongs to the co-accused persons. The petitioner is neither the owner of the vehicles nor the driver of the van. He has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. Seizure lists has not been prepared in accordance with provisions of law. Charge sheet has been submitted in this case and the petitioner is in custody since 15.06.2022. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that recovery has been made from the possession of this petitioner.

Having regard to the submission made on behalf of the parties and considering the clean antecedent of the petitioner along with submission of charge sheet against him, 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 Prohibition & Excise Court (Second)- cum-Additional District and Sessions Judge, Hajipur, Vaishali in connection with Patepur P.S. Case No. 153 of 2022, 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)

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