

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46944 of 2021

Arising Out of PS. Case No.-603 Year-2020 Thana- BRAHMPUR District- Buxar

DILIP YADAV @ DILIP KUMAR YADAV Son of Gupteshwar Yadav
Resident of Village- Karnamepur, Police Station- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey, Adv
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 25.01.2021 seeks
regular bail in connection with Brahmpur (Nainijore) P.S. Case
No. 603 of 2020 registered for offence punishable under
Sections 272, 273, 120(B)/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief is that altogether 69.120
litres of illicit liquor was recovered from two motorcycle
bearing Registration No. BR-01-CV-3162 and BR01-V-6891
along with three mobile sets while 4-5 motorcyclists fled away



from the place of raid near Jawahi Diyar Bandh area.

Learned counsel appearing on behalf of the petitioner submits that the other co-accused who was arrested on the spot namey, Uma Shankar Yadav has disclosed the name of the petitioner due to previous enmity. The petitioner has been roped in this case due to one criminal case is pending against him. He further submits that he has no concern either with the seized motorcycle or with the mobile no. as mentioned in the F.I.R. He further submits that he has been enlarged to bail in Cr. Misc. No. 26485 of 2021 vide order dated 21.09.2021 in which he was alleged to have one of the co-accused who had attacked the police personnel in course of raid while one member of police party had lost his life.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioner, the petitioner above named is directed to be enlarged to bail upon furnishing bail bond of Rs. 2,00,000/- (Rupees Two Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IInd-cum-Special Judge, Excise, Buxar in connection with Brahmpur (Nainijore) P.S. Case No. 603 of



2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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