

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37884 of 2022

Arising Out of PS. Case No.-251 Year-2022 Thana- DIGHA District- Patna

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Dipak Kumar, S/O Vakil Ray, Resident of Ramjichak Nahar Par, P.S.- Digha,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 Today this case has been listed on priority basis, on
the motion slip filed by the learned counsel for the petitioner

Heard Mr. Arbind Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Digha P.S. Case No. 251 of 2022 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the
police in course of patrolling apprehended a Tempo and on
search being made 150 liters of country made liquor was
recovered. It is further alleged that on noticing the police, three
persons, who were seated in the tempo, tried to flee away
however, they were apprehended by the police.



Learned counsel appearing on behalf of the petitioner submits that the petitioner was one of the passenger, who was going on a tempo. However, in the meantime, the police apprehended and he was arrested, though the petitioner has no concern with the alleged recovery nor he has any way connected with the seized tempo. It is further submitted that this petitioner is in custody since 21.04.2022 having fair antecedent, though after conclusion of the investigation, charge-sheet has been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner was apprehended along with the illicit wine.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from a tempo where three persons were seated including the petitioner and moreover the petitioner is in custody since 21.04.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Digha P.S. Case No. 251 of 2022, subject to the condition that one of the



bailors will be the local residents/close relative of the petitioner
with further conditions which are as follows:-

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

(ii) He will remain 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.

(Harish Kumar, J)

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