

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39415 of 2022

Arising Out of PS. Case No.-46 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

DILIP KUMAR S/o Ram Pravesh Kunwar R/o village- Ghosaut, P.S.-
Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Shankar Prasad Yadav

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to
make necessary correction in para 1 of the bail petition.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Siwaipatti P.S. Case No. 46 of 2019 registered for the offences
punishable under Sections 272, 273, 120(B) and 34 of the I.P.C.
read with Section 30(a), 38, 41 of the Bihar Excise Act.

As per prosecution case, there is alleged recovery
of 921.765 litres illicit foreign liquor from different vehicles.
Local people disclosed the name of present petitioner and others
who fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 26.05.2022. Petitioner bears no criminal antecedent. Learned counsel further submits that petitioner is not apprehended on spot. Petitioner has inimical term with Bhonu Sahani who is alleged to be the witness of seizure list and the seizure list has not been prepared as per law. Co-accused namely Sujit Kumar has already been granted Anticipatory bail vide Cr. Misc. 34950 of 2019 by a co-ordinate bench of this Court as mentioned in annexure-3 of the bail petition and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, similarly situated co-accused has already been granted anticipatory bail, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur (East)



in connection with Siwaipatti P.S. Case No. 46 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

