

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42440 of 2022

Arising Out of PS. Case No.-527 Year-2021 Thana- KANTI District- Muzaffarpur

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Dinesh Kumar Sah @ Dinesh Sah S/O Mahendra Sah @ Mahindar Sah R/o
village- Kishun Nagar, Muzaffarpur, 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.Shashank Shekhar

For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Kanti P.S. Case No. 527 of 2021 for the
offences punishable under Sections 272, 273 and section
30(a), of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the
police in course of patrolling, intercepted a car bearing
registration no. BR06GC6379 and on search total 642.96
liters illicit liquor was recovered. It is alleged that on



noticing the police party, three persons succeeded in fleeing away.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession. However, only on account of he being owner of the said vehicle, his name has been implicated in this case, though the vehicle in question runs for transportation of goods by the driver and he was not even aware as to what was being transported by the driver. He next submits that the petitioner having fair antecedent is in custody since 05.04.2022. He last submits that the investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner being owner of the vehicle has neither any concern with the accused nor with the recovered liquor and moreover, the petitioner having fair antecedent is in custody since



05.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-Muzaffarpur in connection with Kanti P.S.Case No. 527 of 2021, subject to the condition that one of the bailors will be the close relatives 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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