

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62687 of 2021

Arising Out of PS. Case No.-259 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Dilip Kumar @ Dalip Kumar Son Of Titar Shah Resident Of Village- Krishna
Tola, Ward No.2, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-03-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

The petitioner seeks bail in connection with Naugachia P.S. Case No.259 of 2021 registered for the offence punishable under Sections 30(a)/32(2) of the Bihar Prohibition & Excise Act, 2018.

The prosecution case in short is that on 24.06.2021 during course of checking of vehicle by the police party in the morning, a car bearing registration no.WB06-0136 has been apprehended including three persons and upon search of the car total 113.670 liters of foreign liquor and 48.5 liters beer has been recovered.



Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case and has no criminal antecedent. Learned counsel for the petitioner further submits petitioner is merely driver of the said car in question. He further submits that recovery has been made from the car in question, not from the conscious possession of the petitioner and is in custody since 25.06.2021.

Learned Additional Public Prosecutor appearing on behalf of the State has opposes the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, IInd -cum- Special Judge Excise Act, Bhagalpur in connection with Naugachia P.S. Case No.259 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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