

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52206 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- LAURIA District- West Champaran

Dilip Kumar Singh, Son Of Late Chandshekhhar Prasad Singh @ Late
Chandeshwar Prasad Singh Resident Of Village - Dighara Rampur, P.S.-
Muzaffarpur Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Kanhaiya Kishore(APP100)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Lauriya
P.S. Case No. 167 of 2021 dated 18.07.2021,
corresponding to Special G.R. No. 1348 of 2021 , registered
for the offences punishable under Sections 302, 328 and 34
of the Indian Penal Code and Sections 30(a) 33 and 37(b)
of Bihar Prohibition and Excise Act – 2018.

The prosecution case as emerging from the FIR is
that the petitioner was engaged in illegal
trading/manufacturing of illicit liquor, it is further alleged
that one person died after consuming the said liquor.



The Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has neither been named in the FIR and nor any recovery has been made from him. He also submits that similarly situated co-accused persons, namely, Saroj Sahni, Ajay Chaudhary and Amresh Ram have been enlarged on bail by co-ordinate Bench of this Court vide orders dated 13.07.2022 and 11.08.2022, passed in Cr. Misc. No. 20413 of 2022, Cr. Misc. No. 31497 of 2022 and Cr. Misc. No. 31590 of 2022 respectively.

The petitioner has been languishing in jail since 20.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in four other cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge, Excise Bettiah, West Champaran in connection with Lauriya P.S. Case No. 167 of 2021 dated 18.07.2021, corresponding to Special G.R. No. 1348 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than



the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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