

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 65024 of 2021**

Arising Out of PS. Case No.-85 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Banka

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DIWAKAR KUMAR @ DIVAKAR KUMAR Son of Bipin Kumar Singh @  
Late Bipin Kumar Singh Resident of Village - Pabra (Pawra), Ward No.2,  
P.S.- Cheria Bariarpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Dwij Raj, Advocate

For the Opposite Party/s : Ms Sucheta Yadav, APP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

2     **15-04-2022**                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor (for brevity, *APP*) appearing for  
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Excise Case No 85 of  
2021 instituted for the offence punishable under Section 30 (a)  
of Bihar Prohibition and Excise Act, 2016.

183.75 liters of illicit liquor has allegedly been  
recovered from the vehicle in which the petitioner was  
travelling.

Learned counsel for the petitioner submits that being  
seriously ill, he was on his way from Deoghar when the vehicle  
has been stopped and the petitioner has been arrested though



there is recovery from another vehicle and the passengers thereof had fled away. The petitioner has no criminal antecedent and for alleged recovery of 183.75 liters of illicit liquor, he has remained in custody since 13.08.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Banka in Excise Case No 85 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to



honour his undertaking given in the instant proceedings today  
for depositing requisite Court fee and removing the defect (s), as  
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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