

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65936 of 2021**

Arising Out of PS. Case No.-80 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

Dileep Kumar S/O Awadh Lal Prasad Resident Of Village - Neknama, P.S. -
Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

The petitioner seeks bail in connection with Siwaipatti P.S. Case No. 80 of 2020 registered for the offence under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 105.840 liters of foreign liquor is made from an Alto Car and bed room of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in this case. He further submits, it appears from the



FIR that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from an Alto Car which was standing on the road. It is further submitted that petitioner has no concern with the car in question. He further submits that the present case is counter blast of the earlier case filed by the father of the petitioner against Keshav Kumar and his associates. The petitioner is rotting in judicial custody since 20.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P.S. Case No. 80 of 2020, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

(2) If the petitioner tamper 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 step 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)

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