

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67940 of 2021**

Arising Out of PS. Case No.-245 Year-2021 Thana- DAGARUA District- Purnia

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DILKHUSH KUMAR @ ASHISH KUMAR Son of - Dinesh Yadav Resident
of Village- Goth Bardaha, Ward No. -04, P.S.- Ghailarh, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Jha, Adv.
For the Opposite Party/s : Mr.Pronoti Singh, APP

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

2 09-03-2022 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.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Dagrua P.S. Case No. 245 of 2021 registered for the offence

under Sections 272 and 273 of the Indian Penal Code and

Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 242.625 liters of foreign liquor.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. In fact,



nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the Maruti Van. The petitioner has no concern with the alleged recovery and the vehicle in question. Moreover, the co-accused, namely, Kewal Kumar, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.02.2022 passed in Cr. Misc. No. 61273 of 2021. The petitioner is rotting in judicial custody since 30.08.2021.

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, Purnea in connection with Dagrua P.S. Case No. 245 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 canceled 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 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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