

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66973 of 2021

Arising Out of PS. Case No.-469 Year-2021 Thana- PURNEA SADAR District- Purnia

Dipak Kumar, S/O Kapildev Yadav, R/O Village- Telni, P.S.- Bithan, District-
Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 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 Purnea Sadar P.S. Case No. 469 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 1339.125 liters of Indian made foreign liquor is made from a truck which were hidden under the stone chips.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that



nothing has been recovered from the conscious possession of the petitioner rather the recovery is made from the truck in question. He further submits that the petitioner has no concern with the alleged recovery. He further submits that co-accused namely Krishna Kumar has been granted regular bail vide order dated 16.11.2021 passed in Cr. Misc.No. 65642 of 2021. The petitioner is rotting in judicial custody since 11.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submitted that petitioner has one criminal antecedent in which he is on bail.

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, Purnea in connection with Purnea Sadar P.S. Case No. 469 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 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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