

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60199 of 2022

Arising Out of PS. Case No.-369 Year-2022 Thana- DARIYAPUR District- Saran

RAJESH KUMAR DALMIA @ RAJESH KUMAR Son of Kishore Lal
Dalmia Resident of - Dudahi, Dudhi, P.S.- Bhinpur, District - Kushinagar,
Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Dariyapur P.S. Case No. 369 of 2022, registered for the

offences punishable under Sections 420 and 120(B) of the

Indian Penal Code read with Sections 30(A), 32, 38 and 41

of the Bihar Prohibition and Excise Act.

As per allegation, 109.065 litres of foreign made

liquor was recovered from a vehicle.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that nothing has been



recovered from the conscious possession of the petitioner.
He also submits that petitioner was not preset at the place of occurrence.

The petitioner has been languishing in jail since 24.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

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, District - Saran in connection with Dariyapur P.S. Case No. 369 of 2022 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 any criminal antecedent, 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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