

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68981 of 2021**

Arising Out of PS. Case No.-1474 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

=====

DILIP KUMAR S/o Basudev Singh @ Basudev Ram R/o village and P.S.-
Chhatarpur, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh
For the Opposite Party/s : Mr. A.G

=====

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

2 09-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Excise Case No. 1474 of 2021/C.I.S. No. 1474 of 2021 registered for the offences punishable under Sections 30(a) and 56(b) of Bihar Prohibition and Excise (Amendment) Act, 2018.

According to prosecution case, total 1140 liters country made liquor was recovered from the Mahindra Tractor.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the Tractor in question. He further submits that petitioner is neither the driver nor the owner of the said vehicle in question. The petitioner is in custody since 26.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Aurangabad in connection with Excise Case No. 1474 of 2021/ C.I.S. No. 1474, subject to the condition that **one of the bailors should be the brother of the petitioner and the other local person** with the further 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 cancelled 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.

3. 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)

mdrashid/-

U		T	
---	--	---	--

