

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1628 of 2022**

Arising Out of PS. Case No.-126 Year-2018 Thana- NAWADA MUFFASIL District- Nawada

DIPAK KUMAR SAH S/o Mahendra Sah R/o Vill- L.H. More Sonatand,  
P.S.- B.S. Sitti, District- Bokaro (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dharmendra Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      11-02-2022                      Due to the third wave of COVID-19 Pandemic, the  
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For  
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned  
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the Office, within a period  
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case  
registered under Section 30(a)(d) of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution case, in short, is that 3000 liters wine  
is recovered.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as being owner of the truck in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 3000 liters wine is recovered from the truck in question. The said truck was sold by the petitioner vide Annexure-2 to the present application prior to the institution of the present case. The petitioner had no knowledge regarding the nature of goods kept in the truck as the same did not belong to him. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the



present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of learned ADJ-2-cum- Special Judge, Excise, Nawada in connection with Nawada (Muffasil) P.S. Case No. 126 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

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