

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30646 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- NAUBATPUR District- Patna

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Dhiraj Kumar, s/o Mithlesh Singh @ Mithilesh Prasad Resident of Village-
Brahampur, Near P. C. S. School, Sampatchak, Police Station- Ramkrishna
Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Ms. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special

Excise Case No. 384 of 2023, arising out of Naubatpur P. S.

Case No. 119 of 2023, registered for the offences

punishable under Sections 414 and 420 of the Indian Penal

Code and Sections 30(a), 32(ii)(iii), 36 and 41(i)(ii) of the

Bihar Prohibition and Excise (Amendment) Act.

As per allegation, 75.750 litres of liquor and 72

litres of liquor were recovered from two different cars.

Ld. 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 Sections 414 and 420 of the Indian Penal Code does not apply in this case, because the vehicle, which was being driven by the petitioner, belongs to one of the co-accused. He further submits that the petitioner was the driver of the vehicle and he was not aware of the contents of the material loaded in it.

He further submits that the petitioner has been languishing in jail since 22.02.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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 Ld. Special Excise Judge, Danapur, Patna, in connection with Special Excise Case No. 384 of 2023, arising out of Naubatpur P. S. Case No. 119 of 2023 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 get hampered 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 antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has



concealed his criminal antecedents 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. 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)

skm/-

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