

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45039 of 2023**

Arising Out of PS. Case No.-424 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Dilkhush Kumar @ Dilkhush Sah @ Dilkush Sah Son Of Harendra Sah
Resident Of Harpur, P.S. - Nagar Thana Gopalganj, District – Gopalganj.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Kuchaikote P.S. Case No. 424 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 05.06.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 675 litres of IMFL/country made liquor
from the alleged vehicle.

6. Learned counsel appearing on behalf of the



petitioner submitted that the name of this petitioner appears in this case on the basis of disclosure, namely, Abhay Kumar Sharma, and as such, no alleged illicit liquor appears to be recovered from his physical possession. It is submitted that the maximum allegation available against this petitioner is to work as a liner. While concluding the argument, it is submitted that petitioner found involved in four more criminal cases, out of which he is on bail in three criminal cases and in maximum of these cases, his name appears either on the basis of confessional statement or on the basis of disclosure made by co-accused.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, where petitioner is in custody since 05.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Kuchaikote P.S. Case No. 424 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge IV-Cum-Exclusive Special Excise Court-II, Gopalganj/concerned Court, subject to the conditions as



mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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