

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47452 of 2023

Arising Out of PS. Case No.-209 Year-2019 Thana- GOPALPUR District- Patna

DIPU KUMAR SINGH SON OF SRI JAGDISH SINGH VILL
MITTANCHAK, PS- GOPALPUR, DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranaya Shanker Sinha

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Special Case No. 6271 of 2019 (arising out of Gopalpur P.S. Case No. 209 of 2019) for the offence registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016 lodged on 16.07.2019 by the informant, Satish Kumar Singh.

As per the prosecution story, near the ‘orchard’ of Suresh Singh, wine was unloaded from a truck, the police apprehended one Mantu Singh with 1503 liters of foreign wine. He disclosed the name of the petitioner to be the person in the business selling of wine. Accordingly, the FIR against him.

Learned counsel for the petitioner submits that he is neither the owner of either the truck or the tempo and only on the basis of the confessional statement, his name has come.



Further, without accepting the allegation and/or the outcome of the present petition, he intends to pay Rs. 10,000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local State Bank of India branch.

Learned counsel for the petitioner submits that

Learned APP for the State opposes the prayer for bail stating that co-accused, Mantu Singh has named as the person, who was in the business of wine.

Considering the submissions put forward by the learned counsel for the petitioner, he is not the owner of the vehicles as also that he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/-, as undertaken by the learned counsel for the petitioner.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Patna in connection with Special Case No. 6271 of 2019 (arising out of Gopalpur P.S. Case No. 209 of 2019), subject to condition as laid down under Section 438(2)



of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/-

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