

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51724 of 2023

Arising Out of PS. Case No.-245 Year-2023 Thana- PHULWARIYA District- Gopalganj

Dilip Kumar Sahni @ Dileep Kumar Sahni S/O Zapasi Sahani @ Jhapasi
Sahani R/O Village- Kakara Chak, Ward No. 2 (Punas), Ps. Bochhaha, Dist.
Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in custody in connection with Phulwariya P.S. Case No. 245 of 2023 for the offence under sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 10.07.2023 by the informant, Ashok Kumar.

As per the prosecution story, the Police during patrolling duty, intercepted a tempo and upon search, 276.480 liters of English wine was recovered/seized. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he is a vegetable seller, had loaded the vegetable on the tempo, is neither the driver nor the owner and only because he was



travelling in the tempo, has been implicated.

The last submission is that he do not have criminal antecedent, is in custody since 11.07.2023 (as stated in paragraph 1 of the petition).

Learned APP opposes the prayer for bail stating that being present in the tempo, cannot exonerate himself from the allegations in the F.I.R.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, he is not the owner or the driver of the tempo and is in custody since 11.07.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj, in connection with Phulwariya P.S. Case No. 245 of 2023 subject to the following conditions:

- (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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

kiran/-

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

