

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53015 of 2023

Arising Out of PS. Case No.-114 Year-2020 Thana- BEUR District- Patna

Dilip Kumar Son Of Nasib Ray Resident Of Village- Vishunpur Pakri, Ps-
Beur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
18.06.2023 in connection with Special Case No.3298 of 2020,
arising out of Beur P.S. Case No.114 of 2020, F.I.R. dated
27.04.2023 for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

3. Recovery is of total 87 liters of foreign liquor.

4. Earlier the petitioner has been granted anticipatory
bail vide order dated 17.12.2021 passed in Cr. Misc. No. 14730
of 2021 but the petitioner has not surrendered before the learned
court below within the stipulated time.

5. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.



as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made near canal. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and merely on the basis of suspicion and information given by the local people the petitioner has falsely been implicated in the present case. The petitioner is in custody since 18.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of suspicion and information given by the local people, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna in connection with Special Case No.3298 of 2020, arising out of Beur P.S. Case No.114 of 2020, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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