

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55520 of 2023

Arising Out of PS. Case No.-742 Year-2022 Thana- SIRDALA District- Nawada

=====

Dinesh Kumar S/O Lalu Prasad @ Laleshwar Yadav R/O Village- Bahuara,
Ps. Sirdala, Dist. Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-08-2023 Heard the learned counsel for the petitioner and

the State.

2. The petitioner seeks bail, apprehending his

arrest, in connection with Sirdala P. S. Case No. 742 of

2022, registered for the offences punishable under Section

414 of the Indian Penal Code.

3. Prosecution story in brief is that on 23.12.2022

at about 10.15 A.M., when the informant with other officials

was on patrolling duty, he got secret information that near

Bahuara Forest Dam, 10-12 liquor furnace is being operated

and country made liquor is being manufactured. Thereafter,

the informant along with other police personnel proceeded



there. On seeing police, 9-10 persons fled away. On search, 1600 liquor Mahua solution was found. One Hero Glamour Motorcycle was also recovered from the spot. Thereafter, a seizure list was prepared accordingly.

4. The learned 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 the Bahuara Dam is an open space and away from the house of the petitioner and is accessible to all and sundry. He further submits that there is no legal basis to connect the petitioner with the alleged offence. He also submits that the petitioner is no way connected with the alleged offence and without any legal basis, the petitioner has been implicated by the Chaukidar who is on inimical terms with the petitioner and as such no *prima facie* case is made out against the petitioner and the present anticipatory bail is maintainable.

5. It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the



petitioner either before this Court or before the Hon'ble Apex Court.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, no *prima facie* case under the Bihar Prohibition and Excise Act, 2016 is made out and hence the present anticipatory bail petition is maintainable.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, 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 the Ld. Exclusive Special Excise Judge-1st, Nawada, in connection with Sirdala P. S. Case No. 742 of 2022, subject to the conditions as laid down under Section



438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

10. The application stands allowed accordingly.

11. The learned counsel for the petitioner is directed to remove all the defects 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/-

U			
---	--	--	--

