

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58835 of 2023

Arising Out of PS. Case No.-800 Year-2023 Thana- MADHEPURA District- Madhepura

DILIP KUMAR Son of Late Sushil Prasad Yadav @ Sushil Yadav R/o vill -
Tamot Parasa, Ward no. 6, P.S. - Murliganj, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023

Heard the parties.

1. The petitioner is in custody in connection with Madhepura P.S. Case No. 800 of 2023 for the offence under section 30(a) of the Bihar Prohibition Excise Act lodged on 03.08.2023 by the informant, Laxman Ram.

2. As per the prosecution story, a Sumo Victa was intercepted by the Police, the petitioner who was driving, apprehended and recovered/seized 186.75 liters foreign liquor. Accordingly, the FIR.

3. Learned counsel for the petitioner submits that he is the driver of the vehicle and had little knowledge that any passenger had left the prohibited liquor in the vehicle, nothing has been recovered from his conscious possession, has already suffered by being in custody since 04.08.2023 (as stated in



paragraph 6 of the petition) and do not have criminal antecedent.

4. Learned APP opposes the prayer for bail.

5. Taking into account the submissions put forward by the learned counsel for the petitioner, the alleged recovery is from the vehicle, he do not have criminal antecedent and is in custody since 04.08.2023, this Court is inclined to extend him the privilege of bail with conditions.

6. 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 Addl. District and Session Judge-V Cum Special Judge Excise Act, Madhepura, in connection with Madhepura P.S. Case No. 800 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.

7. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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