

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57720 of 2023

Arising Out of PS. Case No.-214 Year-2023 Thana- NAUGACHIA District- Bhagalpur

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DILIP SINGH S/O LATE LAXMI SINGH R/O VILLAGE- SHAMPUR, P.S-
MOHAMMADPUR, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioner is in judicial custody in connection with Navgachhiya P.S. Case No. 214 of 2023 for the offence punishable under Sections 30A/32 (ii) 30(a) of the Bihar Prohibition and Excise Act lodged on 26.3.2023 by the informant, Uma Shankar.

As per the prosecution story, the allegation is that the police intercepted a truck and recovered/seized altogether 4383 liters of Indian Made Foreign Liquor.

It is the case of the petitioner that he is driver, was given bulity for transporatation of the cement from Durgapur, West Bengal to Muzaffarpur, Bihar by the owner, Ramawatar Singh, cement bags were not loaded in his presence and he failed to realize that in between it, liquor has been planted, he



already suffered by being in custody since 28.6.2023 (para-10 of the petition), being a sole bread earner of the family is suffered.

Learned APP opposes the prayer for bail.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the fact that he is driver has narrated that the truck was carrying cement bags, is in custody since 28.6.2023 and do not have criminal antecedent and is an aged person of 58 years, 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) with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise Judge-II, Bhagalpur or successor Court, in connection with Navgachhiya P.S. Case No. 214 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 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 next 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)

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