

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60016 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- DURAULI District- Siwan

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DILIP BAITHA @ DILIP RAJAK son of Subhash Baitha Village- Netwar Po
Ps- Darauli Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Darauli P.S. Case No. 56 of 2023 for the offence under sections 30(a) and 41(i) of Bihar Excise and Prohibition Act, 2016 lodged on 06.03.2023 by the informant, Ritesh Kumar Mandal.

3. As per the prosecution story, the allegation is that one Scorpio was intercepted by the Police and 360 liters of Bynty Babli country made liquor recovered/seized. Accordingly the FIR.

4. Learned counsel for the petitioner submits that he has no concern with the vehicle, was merely a passenger for which he has already suffered by being in custody since 08.07.2023 (as stated in paragraph 3 of the supplementary affidavit), having been implicated only because he has criminal



antecedent.

5. Learned APP opposes the prayer for bail.

6. Considering the submissions put forward by the learned counsel for the petitioner as also his period of custody i.e. 08.07.2023 and he is not the owner or the driver of the vehicle, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Special Judge cum Exclusive Excise Court-I, Siwan, in connection with Darauli P.S. Case No. 56 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.

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

(Rajiv Roy, J)

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