IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64493 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- DAGARUA District- Purnia

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Prithwi Kumar @ Prithwi Chauhan, Son of Naresh Mandal R/V- Khutaha, Ward No.- 06, P.S.- Khutaha, District- Bhagalpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vikram Singh
For the Opposite Party/s : Mr. Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 13-01-2023 Heard Ld. counsel for the petitioner and Ld. APP for the State.

The petitioner seeks bail in connection with Dagarwa P. S. Case No. 86 of 2021, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 150.875 litres of liquor was recovered from a pick-up van, bearing Registration No. BR-11-1431.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this

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case only on the basis of suspicion. He further submits that the petitioner was not apprehended on spot. He also submits that the petitioner is the owner of the vehicle and he has given his vehicle to ply it on commercial basis and he was not aware about the contents of the material loaded on the vehicle.

He further submits that the petitioner has been languishing in jail since 30.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail 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 Ld. Exclusive

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Special Excise Judge, Purnea, Court No. 1, in connection with Dagarwa P. S. Case No. 86 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

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

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

Ld. counsel for the petitioner is directed to remove all the defects, if any, 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)

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