

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61993 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

Dipu Kumar @ Dipu Kumar Singh S/O Birendra Singh R/O Village- Karnaul,
Ps. Charpokhari, Dist. Bhojpur, Ara

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alka Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 11.08.2023, in connection with Udwant Nagar P.S. Case No. 11 of 2023, F.I.R. dated 07.01.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2028.

3. Recovery is of 189.75 litres of English liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis of disclosure made by co-accused person namely Ghanshyam Singh Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner was not apprehended at the place of



occurrence and it appears from the F.I.R. as well as seizure list that recovery has been made from the vehicle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question or the co-accused person. He further submits that co-accused person namely Amar Kumar has been granted the privilege of anticipatory bail by a Coordinate bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 10385 of 2023, another co-accused person namely Aman Kumar @ Himanshu Shekhar has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 29.04.2023 passed in Cr. Misc. No. 10787 of 2023, another co-accused person namely Ghanshyam Singh Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 21683 of 2023 respectively. The petitioner is in custody since 11.08.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases of similar nature other than the present one.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Excise Judge-II, Bhojpur, Ara in connection with Udwant Nagar P.S. Case No. 11 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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