

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 62083 of 2022**

Arising Out of PS. Case No.-172 Year-2022 Thana- BENIPATTI District- Madhubani

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DIPAK YADAV Son of Raj Kumar Yadav R/v- Ekamighat Chandi, P.S.-
Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Praveen Kumar, Advocate

For the Opposite Party/s : Mr Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Benipatti Police Station
(for brevity, **PS**) Case No 172 of 2022 registered for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act, 2016 and Sections 272, 273/34 of Indian Penal Code.

From the Tempo, 306 liters of illicit Nepali liquor has
been recovered. Petitioner was allegedly in the vehicle and has
been apprehended.

Learned counsel for the petitioner submits that the
Driver of the Tempo fled away. Petitioner was oblivious of any
liquor being kept in the Tempo and has become victim of the
circumstance. The vehicle does not belong to him. He has no



antecedent and is in custody since 04.07.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in Benipatti PS Case No 172 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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