

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67184 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- Excise P.S. District- Siwan

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Dinesh Kumar Son Of Late Gautam Prasad Resident Of Village - Korar, P.S. -
Basantpur, District - Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Maharajganj Excise P.S. Case No. 20 of 2023 lodged under
Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the total recovery of
147.240 liter of wine has alleged to be made, which is subject
matter of the present case.

4. Learned counsel for the petitioner submits that
from the seizure list, it transpires that the said recovery has not
been made from the conscious possession of the petitioner
rather the said recovery has been made at a nearby place from
the boundary wall of the house of the petitioner.

5. Counsel for the petitioner further submits that

petitioner is in custody is since 27.08.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court No.-II, Siwan in connection with Maharajganj Excise P.S. Case No. 20 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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