

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69105 of 2023

Arising Out of PS. Case No.-77 Year-2021 Thana- PATNA CITY CHOWK District- Patna

DILIP KUMAR @ DILIP RAY SON OF RAJ NARAIN RAI RESIDENT OF
VILLAGE - KOUA KHO KAIMA SIKOH, P.S. - CHOWK, DISTRICT -
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2023 Heard Mr. Rudra Deo, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with
Chowk P.S. Case No. 77 of 2021 for the offence under sections
30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on
08.03.2021 by the informant, Krishna Kumar.

3. As per the prosecution story, the police during
vehicle checking, intercepted a 'tempo' and recovered/seized 90
liters country made wine. Accordingly the FIR.

4. Learned counsel for the petitioner submits that
neither he was present in the 'tempo' nor anything recovered
from his conscious possession rather he is the owner of the
'tempo' little realizing that the driver has carried the liquor in



the 'tempo', the said implication has led to his custody since 29.08.2023 (as stated in paragraph 4 of the petition) and he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail stating that the 'tempo' belongs to him.

6. Taking into account the submissions put forward by the learned counsel for the petitioner as also the fact that nothing has been recovered from his conscious possession, has remained in custody since 29.08.2023 and do not have criminal antecedent, 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 Excise, Patna City, Patna, in connection with Chowk P.S. Case No. 77 of 2021 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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