

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68078 of 2023

Arising Out of PS. Case No.-319 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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Dhrup Singh @ Dhrup Rai @ Dhruv Singh @ Dhruv Rai Son Of Dhanu Rai
Resident Of Village - Kotrahan Bairiya, P.S. - Nautan, District - West
Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Govindganj (Malahi) P.S. Case No. 319 of 2023 arising out of
Tr. No. 1148 of 2023 lodged under Sections 414 of the I.P.C.
read with Section 30(a) & 41(i) of Bihar Prohibition and Excise
Act, 2016.

3. As per the prosecution case, the total recovery of
about 334.80 liter of Indian made foreign liquor has alleged to
be made from three vehicles, namely, two cars and one
motorcycle, which is subject matter of the present case.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits

that from the seizure list, it transpires that nothing was recovered from his possession and his name has figured in this case by virtue of confessional statement of apprehended persons who has disclosed that he has brought this wine to deliver at the petitioner's house.

5. Counsel further submits that petitioner is in custody since 09.06.2023 and there is one criminal case pending against him.

6. Learned counsel for the State opposes the prayer for bail and submits that petitioner's antecedent is not clean. He was accused in NDPS case and presently, he has been accused in Excise Act.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, 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 Excise Court No.1 East Champaran, Motihari in connection with Govindganj (Malahi) P.S. Case No. 319 of 2023 arising out of Tr. No. 1148 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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