

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74818 of 2022

Arising Out of PS. Case No.-418 Year-2021 Thana- DIGHA District- Patna

DILKHUSH RAI @ AKASH KUMAR @ DILKHUSH S/O Ashok Rai R/O
Village- Nirala Nagar, P.S- Digha, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rishikesh Narayan Sinha, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with Digha
P.S. Case No. 418 of 2021 for the offence registered under
section 30(a) of the Bihar Prohibition & Excise Act, 2018
lodged on 30.07.2021 by the informant, Manoj Kumar.

That the prosecution story, in brief, is that one Manoj
Kumar, S.I. of Digha Police Station received a secret
information that some peoples were carrying and selling the
wine near Gyan Niketan, Nirala Nagar in half constructed
Apartment. Thereafter, he alongwith Police party reached there
and upon seeing the police persons, the accuseds tried to run
away from there but the police caught two persons and they
disclosed their names as Ravi Kumar and Rahul Kumar.



Accordingly, seizure list prepared in the presence of Independent witnesses and the petitioner was taken into custody.

It has been contended by the learned counsel for the petitioner that only because he has criminal antecedent, he has been implicated in the present case. It has been further contended by him that Rahul Kumar another co-accused has since been released on bail vide Cr. Misc. No. 65433 of 2021. The last submission is that having been remanded from the different case, he is in custody since 30.06.2022 (as stated in paragraph-10 of the petition).

Learned APP for the State opposes the prayer for bail pointing out that he has criminal antecedent and in this case also he has been remanded from another case.

Considering the period of custody i.e. 30.06.2022 as also that similarly placed co-accused Rahul Kumar has since been released on bail by a co-ordinate Bench of this Court, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Spl. Excise, Patna Sadar, Patna in connection with Digha P.S. Case No. 418 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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