

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73009 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- NTPC District- Bhagalpur

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DILIP DAS SON OF MAHENDRA DAS RESIDENT OF VILLAGE-
LALAPUR, PS- KAHALGAON, DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baijnath Sah, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with N.T.P.C. P.S. Case No. 42 of 2023 cum Special Excise Case NO. 2393 of 2023 registered under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2016 cum 2018 lodged on 06.05.2023 by the informant, Tribhuvan Sharma.

3. As per the FIR, on secret information the police reached near Nilam Devi Foundation School and upon sight of the police, the accused persons threw the bag and tried to escape but was apprehended. From the bag, 20 liters country made ‘mahua’ wine was recovered which followed the FIR.

4. It is the case of the petitioner that he was passing through the area, the police picked up a bag and attributed it to



him which resulted into his implication though he concede that he has clean antecedent.

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that nothing has been recovered from his conscious possession and is in custody since 02.05.2023, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Exclusive Excise Court No.2, Bhagalpur in connection with NTPC P.S. Case No. 42 of 2023 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 month for next 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 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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