

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73947 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- KALYANPUR District- Samastipur

DILIP KUMAR GIRI Son of Late Ram Sagar Giri Resident of village -
Jitwariya, P.S.- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 249 of 2023 registered for the offences
punishable under Sections 30(a), 32(3), 36, 41(1) of the Bihar
Prohibition and Excise Amendment Act.

3. As per prosecution case, there was alleged
recovery of 952.2 liter foreign liquor from the Pickup van in
question. Petitioner and others apprehended on spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 07.08.2023. Petitioner bears no
criminal antecedent. Learned counsel further submits that
nothing has been recovered from the conscious possession of
the petitioner. Pickup van in question does not belong to the



petitioner. Mandatory provisions of Section 100 Cr.P.C. has not been followed. In the light of aforesaid facts and circumstances of the case, no case under the provisions of Bihar Excise and Amendment Act is made out against the petitioner. Learned counsel further submits that co-accused Bittu Mahto, has already been granted bail vide Cr. Misc. No. 69434 of 2023 by a co-ordinate bench of this Court and the case of present petitioner is similar and identical in nature.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, co-accused has already been granted bail, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive/Special Excise Court 1st, Samastipur in connection with Kalyanpur P.S. Case No. 249/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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