

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73806 of 2023

Arising Out of PS. Case No.-1331 Year-2023 Thana- Excise P.S. District- Patna

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DILIP KUMAR S/O LATE RAM SEWAK RAI VILLAGE- ADRA GHAT,
PS. MALSALAMI, DIST. PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Ahmad Ali

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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

Special Case No. 6375 of 2023 arising out of Prohibition (Patna
Excise) Case No. 1331 of 2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

3. As per prosecution case, there was alleged

recovery of 160.000 liter illicit Chulai liquor near the house of
the petitioner and petitioner apprehended on spot.

4. Learned counsel for the petitioner submits that

petitioner is in custody since 20.08.2023. Petitioner bears no
criminal antecedent. Learned counsel further submits that
nothing has been recovered from the conscious possession of



the petitioner. Petitioner has been made scapegoat at the behest of interested persons of the locality who has inimical terms with the petitioner. Mandatory provisions of Section 100 Cr.P.C. has not been followed. Petitioner has nothing to do with the alleged occurrence. He further submits that place of recovery is an open place, which is accessible to all. Seizure list has not been made as per law. 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.

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, 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 Special Judge Excise IIIrd, Patna in connection with Special Case No. 6375 of 2023 arising out of Prohibition (Patna Excise) Case No. 1331 of 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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