

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74646 of 2022

Arising Out of PS. Case No.-430 Year-2022 Thana- NAVINAGAR District- Aurangabad

DHIRAJ KUMAR S/o Pukar Yadav R/v- Beni Kala, P.S.- Husainabad,
District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, 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 Nabinagar P.S. Case No. 430 of 2022 (G.R. No. 1424 of 2022) registered for the offences under sections 279, 337, 353, 427 and 34 of the Indian Penal Code and section 30(a) of the Bihar Excise and Prohibition Act lodged on 07.11.2022 by the informant, Pranav Kumar.

As per the prosecution story, the informant along with other police personnel proceeded after getting information with regard to activity of Naxalites and saw one Mahendra vehicle coming from Japala side. Thereafter, the informant has gave signal to stop the aforesaid vehicle but due to negligence, the said vehicle met with an accident with Scorpio vehicle



bearing registration no. JH-01BE-7714 and damaged the S.R.E vehicle. The police persons apprehended one person seated in said vehicle but the driver managed to escape . The apprehended person disclosed his name Dhiraj Kumar (petitioner). Thereafter, a search was made by the police and found a Samsung mobile and another red-mi smart phone.

Thereafter the accident Bolero bearing Registration No. UP-62L-3311 was searched and 49 cartoon '*Tanaka*' country made liquor containing 180 ml each, 48 piece and loose 180 ml. total 7 piece, total 180 ml. 2359 pieces '*Tanaka*' country made liquor total quantity 424.620 liters were recovered. Thereafter, a seizure list was prepared. Accordingly, the FIR.

Learned counsel for the petitioner submits that a perusal of the FIR would show that accident took place, driver fled away, recovery/seizure was made from the '*Scorpio*' and the petitioner who was a passer-by was implicated in this case. He is neither the owner of the vehicle nor the driver nor anything to do with the present case

Learned APP for the State opposes the prayer stating that recovery of liquor from the accidental vehicle was made.

Considering the fact that the petitioner does not own the vehicle, he was also not the driver, he is in custody since



07.11.2022 and do not have criminal antecedent, this Court is inclined to grant 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 the learned Special Judge, Excise Ist, Aurangabad in connection with Nabinagar P.S. Case No. 430 of 2022, 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.

(vi) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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