

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74416 of 2022

Arising Out of PS. Case No.-388 Year-2022 Thana- MANJHI District- Saran

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DINESH KUMAR @ DINESH KUMAR GUPTA Son of Mahesh Gupta R/V-
Naubatpur, P.S- naubatpur, Dist- Patna, also at Vill- Gaispura Pipal Chawk,
Sukhdev nagar Lohara Pind, P.s- Dhaba, Distt- Ludhiana, state -Punjab
... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard the parties.

The petitioner is in custody since 28.11.2022 in connection with Manjhi P.S. Case No. 388 of 2022 under Section 30, 30(a), 32, 36, 41(i) of Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that on 28.10.2022 on a secret information, the police party conducted raid and recovered 989 litres of illicit foreign liquor from a Tata pickup vehicle and arrested two persons who confessed the name of the petitioner. Accordingly, the seizure list prepared and the F.I.R. was lodged.

It has been contended by the learned counsel for the petitioner that he is not the person apprehended from the spot rather the allegation is on Monu Kumar Yadav and Suresh Sahani who have since been released on bail by a coordinate bench of this Court in Cr. Misc. No. 3699 of 2023 vide order dated 07.04.2023.

So far as he is concerned, his name came in the confessional statement of the co-accuseds.



The last contention is that without accepting the allegation and/or the outcome of the present petition, the petitioner would like to contribute Rs. 50,000/- to the Patna High Court Legal Services Committee and receipt thereof will be submitted to the concerned court.

Learned APP opposes the prayer stating that he has criminal antecedent of the same nature.

Considering the fact that the petitioner has not been apprehended along with alleged recovery, the arrested person in his confessional statement named this petitioner, they have been released on bail as stated above, this court is inclined to extend him the privilege of bail subject to payment of Rs. 50,000/- as stated above with strict condition in view of the fact that he has criminal antecedent of the same nature.

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 Exclusive Spl. Judge (Excise), Court No.-II, Saran at Chapra, in connection with Manjhi P.S. Case No. 388 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 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 one year to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Ravi/
Alok/-

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