

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2093 of 2023

Arising Out of PS. Case No.-574 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Dilip Kumar @ Dileep Mahto Son of Late Arjun Mahto R/v- Ulao, Ward No.-
3, P.S.- Muffasil (Singhaul O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Binod Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Nitya Nand

Tiwary, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Mufassil P.S. Case No. 574 of 2022
registered for the offences punishable under Sections 30(a) and
45 of the Bihar Prohibition and Excise Act.

As per the FIR, it is alleged that police on a secret
information raided the house of the petitioner and in course of
search, 45 lts. of country made liquor was recovered and the
petitioner was apprehended, therefrom.

Learned counsel for the petitioner submits that the
alleged recovery has been made from a joint family house,



where several persons reside and thus the liability cannot be fastened only upon the petitioner. He further submits that there is complete defiance of Section 100 of the Cr.PC., apart from the other irregularities. Moreover, the petitioner having fair antecedent is in custody since 30.10.2022 and he is also a handicapped person.

Learned counsel for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint family house coupled with the period of custody and having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai in connection with Mufassil P.S. Case No. 574 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date



of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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