

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11272 of 2024**

Arising Out of PS. Case No.-267 Year-2019 Thana- PHULWARIYA District- Gopalganj

Dilip Kumar @ Dileep Kumar, Son of Nanhu Sah, Resident of Vill.-Jalpurwa,  
P.S.-Barauli, Distt.-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      22-02-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Phulwariya P.S. Case No. 267 of 2019, instituted for the offences punishable under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 250.200 liters liquor was recovered from one Scorpio car and no one was apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioner has



got no concern with the alleged recovery of liquor. No incriminating article has been recovered from the possession of the petitioner. Petitioner is the owner and driver of the said vehicle. The petitioner had no knowledge about the liquor in his vehicle. He has been made an accused in the F.I.R as the owner and driver of the seized vehicle. The petitioner is in custody since 21.12.2023 and has got two criminal antecedents. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwariya P.S. Case No. 267 of 2019, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the  
bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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