

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42767 of 2024

Arising Out of PS. Case No.-1402 Year-2023 Thana- DANAPUR District- Patna

Dilip Kumar @ Pandey, aged about 41 years, Male, Son Of Sri Manohar Rai @ Manohar Ray @ Manauri Rai, Resident Of Village- Saguna Nadi Par, P.S. - Danapur, District - Patna, Bihar.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ravi Kant Kumar, Advocate

For the Opposite Party : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 18-07-2024 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Special Case Excise No.3546 of 2023 (arising out of Danapur P.S. Case No. 1402 of 2023), dated 30.10.2023 registered for the offences punishable u/ss 147, 149, 342, 323, 332 and 353 of the I.P.C. and Sections 30(a) and 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, On secret information, the petitioner and the co-accused person were consuming liquor near river Saguna. Police reached the place of occurrence to verify the same. On seeing police, two persons tried to flee away but both of them apprehended by police who told their name as Dilip Kumar @ Pandey (petitioner) and Navin @ Niviya. On search, total 600 ml of illicit foreign liquor, two



plastic glass, water bottle and a cigarette were recovered from the place of occurrence. Further, when police was preparing seizure list, one Govind Kumar along with 10-15 persons came there and forcibly took away the petitioner and the co-accused, Navin from the custody of the police personnel but one Govind Kumar was apprehended by police.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The co-accused person has already been granted anticipatory bail by this court vide order dated 08.04.2024 passed in Cr. Misc. No. 23474 of 2024. The petitioner has twelve criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 26.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Danapur, Patna in connection with Special Case
Excise No.3546 of 2023 (arising out of Danapur P.S. Case No.
1402 of 2023) with the condition :-

*(i) The petitioner is directed to remain physically present
before the learned Court below on each and every date, failing which
on two consecutive dates without reasonable cause, the bail bond of
the petitioner is liable to be cancelled.*

7. The application stands allowed.

(Chandra Prakash Singh, J)

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