

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75474 of 2024

Arising Out of PS. Case No.-589 Year-2024 Thana- FATEHPUR District- Gaya

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Dipu Kumar Son of Baleshwar Yadav Resident of Village - Dhanchu, Police
Station - Gurpa, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Fatehpur P.S. Case No. 589 of 2024, registered on 14.09.2024 for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, checking of vehicles was started and four motorcycle rider carrying sacks on their motorcycle tried to flee away on seeing the police party leaving behind their motorcycle. Two persons were apprehended and two persons fled away from the spot. Petitioner is one of the apprehended persons and from the search of the motorcycles, recovery of 150, 100, 200 and 150 litres of country made liquor



respectively, was made. Petitioner is stated to be riding one of the motorcycles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern either with the motorcycle or the seized liquor. Nothing incriminating has been recovered from the person or possession of the petitioner, who is in custody since 14.09.2024. The petitioner is having antecedent of one case in which he has been enlarged on bail.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the recovery has not been shown from the person or possession of the petitioner, the petitioner above named is directed to 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 ADJ cum Exclusive Special Excise Court No. 4, Gaya/concerned Court in connection with Fatehpur P.S. Case No. 589 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

However, the learned trial court will verify whether the motorcycle belong to the petitioner or his close family members and if it is found that the motorcycle belongs to the petitioner or his close family members, the bail bond will not be accepted.

(Arun Kumar Jha, J)

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