

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83710 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- YADOPUR District- Gopalganj

Dilip Patel @ Dilip Kumar @ Dileep Patel Son of Gauri patel R/O-Village-
Sihowra, P.S.- Yadopur(Jadopur) , District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Jadopur (Yadopur) P.S. Case No. 103 of 2023 dated 12.05.2023,
instituted for the offence punishable under Sections 414 of I.P.C
and 30 (a) of the Bihar Prohibition and Excise Amendment Act.

3. The allegation is of recovery of total 46.8 litres
country made liquor from two motorcycles i.e. 10.8 litres from
motorcycle bearing Reg. No. BR28S3380 and 36 litres from
motorcycle bearing Reg. No. BR29A3720.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that at the time of seizure one Vijaymal
Singh was apprehended who disclosed the name of the



petitioner. It is submitted that nothing has been recovered either from conscious possession of the petitioner or from his house rather the said illicit wine has been recovered from the two motorcycles. Lastly, it has been submitted that he has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Jadopur (Yadopur) P.S. Case No. 103 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-XIII-cum-Spl Judge Excise Court No. 1, Gopalganj, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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