

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2208 of 2024

Arising Out of PS. Case No.-388 Year-2023 Thana- WARISNAGAR District- Samastipur

Dilip Baitha, Son Of Ram Swarup Baitha Resident Of Village- Basantpur
Ramani, Hayaghat, P.S. Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Waris Nagar P.S. Case No. 388 of 2023, lodged on 29.10.2023 under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, the FIR has been lodged against three named accused persons and the owner of the vehicle. Total 540 litres of country made liquor has been recovered which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the said recovery has been made from a parcel van which was driven by the petitioner. Counsel further submits



that the petitioner is completely innocent and he has been unnecessarily made accused in this case.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 30.10.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the recovery of country made liquor has been made from the petitioner's possession.

7. In the present facts and circumstances of this case and seeing that there is no criminal antecedent of the petitioner and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-2, Samastipur in connection with Waris Nagar P.S. Case No. 388 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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