

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85954 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- BARHAT District- Jamui

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Dibesh Kumar @ Dinesh Kumar Son of Rajendra Yadav Resident of Village -
Bithalpur, PS - Jamui, Dist - Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mala Sinha

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Barhat
P.S. Case No. 184/2023 registered for the offences punishable
under Sections 30(a) of the Bihar Excise Prohibition New
Amendment Act, 2018.

As per prosecution case, 150 litre country made
liquor was recovered from Hyundai Santro and petitioner along
with other co-accused person were apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.
Basically no incriminating article has been recovered from
conscious possession of the petitioner. Learned counsel orally



submits that petitioner is neither owner nor driver of the vehicle in question and he has no knowledge about the alleged recovery. Petitioner merely boarded the said vehicle as a passenger and he was apprehended on spot on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 24.09.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-1st Jamui in connection with Barhat P.S. Case No. 184/2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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