

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32955 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Dhiraj Seharawat, S/o Sh. Youdhbir Singh Seharawat @ Youdhvir Singh @ Chaudhary Youdhvir Singh Resident of Flat No. 50, Karamyogi Society, Gurgaon.
 2. Balram Singh @ Baliram Singh @ Ballu, S/o Ram Das Singh, Resident of Village- Enda, P.S.- Arwal, District- Hardoi (U.P.).

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Namrata Mishra, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case registered for offences punishable under Sections 419, 420, 467, 468, 471, 476, 488, 120B of the Indian Penal Code and Sections 30 (a), 32 (1) (2), 38 (1), 47 of Bihar Excise Amendment Act, 2016.

It is contended that, as per allegation, three persons including the petitioner no.2 were apprehended from a Scorpio vehicle from which 250 ml. of foreign liquor was recovered. They allegedly disclosed that one truck fully loaded with huge quantity of foreign liquor was entering in Bihar State and that belonging to the petitioner no.1 as he wants to earn profit from selling illicit liquor in Bihar. The Truck was seized from which about 3000 liters of foreign liquor kept in several cartons were recovered.



However, it is contended on behalf of the petitioner no.1 that he has been implicated on the basis of suspicion and on the basis of certain disclosure by the apprehended person. Though he was arrested from his residence at Gurgaon, however, it has been stated in the FIR that he has been arrested at the place of occurrence. It is also stated that the petitioner no.1 was earlier doing business of wine under licence till 2014-15. It is urged that the petitioner no.1 is in custody since 29.04.2017 whereas the petitioner no.2 is in custody since 20.04.2017.

Considering the facts and circumstances of the case, the petitioners, above-named, are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge (Excise)-cum-A.D.J.VI, Kaimur at Bhabua in connection with Durgawati P.S. Case No.73 of 2017 with a condition that if the petitioners, after their release in this case, are again found involved in similar nature of cases then the concerned court would be at liberty to take steps for cancellation of their bail bonds.

However, one of the bailors must be belonging to the State of Bihar.

That apart, in view of the antecedents of the petitioners, they would be required to appear before the Superintendent of Police, Kaimur at Bhabua within fifteen days of



their release with a copy of this order and every month thereafter for the next six months. The conduct of the petitioners will be kept under watch in the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the court concerned which should be granted by the Superintendent of Police concerned upon their appearance.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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