

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25612 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -RAJAULI District- NAWADA

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Dharmendra Kumar Son of Dilip Sharna, Resident of Village- Phulwaria,
P.S.- Rajauli, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh-1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 13-06-2017

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner is seeking Regular Bail in
connection with Rajauli P.S. Case No. 09 of 2017 for the
offences registered under Section 30(a) of the Excise Act.

Learned counsel for the petitioner submits that
petitioner is said to be in custody from 12.01.2017 and the
allegation against the petitioner is that he was one of the
persons riding on motorcycle along with another person
carrying a bag in between them and when he was
intercepted by the police and the bag was checked 200
pieces of Jharkhand made spicy liquor were recovered. The
petitioner was apprehended, whereas other accused persons
fled away. One of the accused who fled away namely
Kuldip Kumar @ Rakesh Kumar has been granted
Anticipatory Bail by a coordinate Bench of this Court in Cr.
Misc. No. 10567/2017.

Learned counsel for the petitioner submits that
petitioner was not carrying the bag and the seizure is not in



accordance with the provisions contained under Section 100 Cr.P.C. He also submits that petitioner has no criminal antecedent and he is in custody for five months by now.

Learned Additional Public Prosecutor opposed the prayer for bail of the petitioner.

Considering the fact that the petitioner has no criminal antecedent and that he is in custody for five months by now, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 09 of 2017, subject to the condition that one of the bailors must be a person residing within the jurisdiction of the Court and having sufficient immovable property.

(Rajeev Ranjan Prasad, J.)

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