

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58064 of 2018

Arising Out of PS.Case No. -411 Year- 2018 Thana -MANER District- PATNA

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Dharmendra Kumar @ Dhamendra Kumar son of Shiv Prasad Rai, resident
of Village- Rampur, Diyara, P.S. - Maner, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Maner P.S.
Case No. 411 of 2018 (Special Case No. 7562 of 2018) for
offences punishable under Sections 30(a)/37(c) of the Bihar
Madhya Nisedh and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during course of patrolling, the police conducted
raid at various places and petitioner was found selling wine in the
field along with co-accused Shio Prasad Rai who managed to flee
away. 70 liters of country made wine was recovered from the
gallon in the field.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated by the police. He submits that nothing has been recovered from his conscious possession and that the field where illicit liquor was seized did not belong to him.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the fact that the petitioner has no criminal history, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Maner P.S. Case No. 411 of 2018 (Special Case No. 7562 of 2018), subject to the conditions that:

(1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty



to move the learned court below for cancellation
of his bail bonds.

(Nilu Agrawal, J)

Devendra/Priyanka

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