

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50988 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -NAUTAN District- SIWAN

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Dharmendra Chauhan, S/o Raghu Chauhan @ Raghunath Chauhan @
Raghu Noniya, Resident of Village- Chitmath, P.S.- Mairwa, District-
Siwan. Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akshay Lal Pandit

For the Opposite Party/s : Mr. Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 20-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 272, 273, 308 and 34 of the
Indian Penal Code and Sections 30(a), 38(A) and 41(1) of the
Bihar Prohibition and Excise Act, 2016.

759 litres of foreign liquor is said to have been
recovered from the Bolero and the petitioner who is said to have
been facilitating the transportation of the said liquor on his
motorcycle by plying the motorcycle ahead of the said vehicle
managed to escape, who were identified by the Chaukidar during
the course of escaping.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the vehicle in question. He has been falsely implicated in the case by the Chaukidar due to animosity. He was not apprehended on the spot. There is violation of Section 100 Cr.P.C. Though three more criminal cases have been lodged against the petitioner, but he is on bail in the aforesaid cases. He has been languishing in custody since 04.08.2018. Two other accused persons, namely, Rajbir Singh @ Bambam Singh has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 30.04.2018 passed in Cr. Misc. No. 26109 of 2018 and Srikant Yadav has been enlarged on anticipatory bail by a co-ordinate bench of this court vide order dated 26.04.2018 passed in Cr. Misc. No. 32227 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned A.D.J.-II cum Special Judge, Excise, Siwan in connection with Nautan P.S. Case No. 34 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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