

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53941 of 2019

Arising Out of PS. Case No.-144 Year-2018 Thana- KORANSARAI District- Buxar

Dhirendra Kumar @ Dhiru @ Dhirendra Singh (Male), aged about 34 years,
S/O Late Rama Singh @ Rama Prasad Singh Resident of Village- Barauli,
P.S.- Piro, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 20-11-2019 Heard learned counsel for the parties and perused the case diary.

The petitioner seeks bail in Excise G.R. No. 931 of 2018, arising out of Koransarai P.S. Case No. 144 of 2018, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that a truck, bearing registration no. HP03D-2678, loaded with total 8553.60 liters of foreign liquor, was coming near Dakhinaw more from north side and after seeing the police party, all four persons from the said truck started fleeing away, whereupon, on chase, two persons were apprehended, who disclosed the name of petitioner.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in the case. He submits that requirement of Section 100 of Cr.P.C. has not been followed with respect to search and seizure. Besides, nothing



has been recovered from conscious possession of the petitioner. He further submits that chargesheet has also been submitted and as such, there is no chance of tampering with the evidence. Petitioner is in custody since 26.06.2019.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner 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 2nd Addl. Sessions Judge cum Spl. Judge Excise, Buxar in connection with Excise G.R. No. 931 of 2018, arising out of Koransarai P.S. Case No. 144 of 2018 on the following conditions:

(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) 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.

(Prabhat Kumar Singh, J.)

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