

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69270 of 2019

Arising Out of PS. Case No.-226 Year-2018 Thana- AAJAM NAGAR District- Katihar

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DHARMENDRA KUMAR S/o Ram Chandra Singh Resident of Village-
Udmarekha, P.S.- Muffasil, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Mukesh Kumar Jha
For the Opposite Party : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehend his arrest in connection with
Azamnagar P.S. Case No. 226 of 2018 instituted for the
offence under Section(s) 30 (a) read with Section 13 of Bihar
Prohibition and Excise Act.

As per allegations made in the FIR itself, two other
persons, namely, Kunal Chaudhary and Md. Wahid were
actually driving the motorcycle from which 8.040 liters of
foreign liquor has been recovered . There is no recovery of any
liquor from possession of petitioner. Therefore, it is submitted
that no offence under the Prohibition and Excise Act is made



out against the petitioner. Merely because the motor cycle was standing in the petitioner's name, he has been implicated in this case falsely.

The petitioner has no criminal antecedents as per averments made in para 3 of the petition.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Sessions Judge-II –cum-Special Judge (Excise Act) Katihar**, in connection with **Azamnagar P.S. Case No. 226 of 2018**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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