

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82572 of 2019

Arising Out of PS. Case No.-307 Year-2019 Thana- DESARI District- Vaishali

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Dharmendra Singh @ Dharmendra Kumar (Male) aged about 35 years, Son of
Baiju Singh @ Baiju Singh Resident of Village - Khoksa Bujurg, P.S.- Desari,
District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 12-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Desari P.S. Case No. 307
of 2019 registered for the offence under Sections 30(क)/32(च) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

It is a case of recovery of 3583.08 liters of illicit
liquor from one dilapidated house of co-accused Ashok Singh
and orchard of co-accused Lal Singh and Mantu Singh and
petitioner is said to be involved in the illegal business of liquor.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case and petitioner has no
concern either with the dilapidated house or orchard, but only
on suspicion, the petitioner has been arrested. Nothing has been
recovered from the conscious possession of the petitioner. It is
further submitted that mandatory provision of Section 100



Cr.P.C. has not been followed with respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 14-10-2019, having no criminal antecedent.

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 Addl. Sessions Judge IInd cum Excise Court, Vaishali at Hajipur in connection with Desari P.S. Case No. 307 of 2019 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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