

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 2246 of 2020**

Arising Out of PS. Case No.-587 Year-2019 Thana- MAHUA District- Vaishali

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DHARMENDRA RAM Son of Rambabu Ram Resident of Village -
Baidhnathpur, P.S.- Mahua, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Mahua Police Station (for
brevity, *PS*) Case No 587 of 2019 instituted for the offence
punishable under Section (s) 272, 273, 414 of Indian Penal Code
and Sections 30 (a), 32 (ii), 34 (ii), 38 (ii), 41 (i) of Bihar
Prohibition and Excise Act, 2018.

The Station House Office of Mahua PS has lodged this
case alleging that recovery of 50 liters of country made liquor
was made from Auto Rickshaw. The petitioner and others, who
were seated on the Auto Rickshaw, are said to have fled away.
Learned counsel for the petitioner submits that having no
criminal antecedent, the petitioner has falsely been implicated in



this case as he was the bona fide passenger. He is in custody since 18.10.2019. There is no compliance with Section 100 of Criminal Procedure Code.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge (Excise), Vaishali at Hajipur in connection with Mahua PS Case No 587 of 2019 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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