

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85134 of 2019

Arising Out of PS. Case No.-683 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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DHARMENDRA KUMAR Son of Achchelal Ray Resident of Village -
Rusulpur, P.S.- Mejarganj, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

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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, who is in custody, seeks bail in a case registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 in connection with Case No. C2/683/19.

It appears that there is allegation in the seizure memo that on 9.11.19 at 0105 hours the informant along with police party caught one person who disclosed his name as Dharmendra Kumar. Informant recovered 27.00 liters of Nepali Saufi wine. Informant seized the said wine, prepared seizure list and handed over copy of the same to him.

It is alleged that the petitioner was involved in committing the alleged offence and huge quantity of wine was recovered.

It is submitted by petitioner's counsel that this is out and out a case of false implication. He denies and disputes the recovery. He submits that there is non compliance of Section 100 Cr.P.C. Having no criminal antecedent the petitioner is in custody on account of such implication since 10.11.2019.



Learned APP opposes the prayer.

Considering the aforesaid submissions prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Sitamarhi in Case No. C2/683/19 subject to the 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 in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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