

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18229 of 2021**

Arising Out of PS. Case No.-45 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Jehanabad

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DHARMENDRA KUMAR SON OF LATE VIJAY YADAV @ VIJAY
SINGH R/O VILLAGE- NONIYA BIGHA, P.S. AND DISTRICT- ARWAL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Paras Nath, Advocate
For the Opposite Party/s : Mr Choubey Jawahar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 26-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Excise Case No 45 of
2021 instituted for the offence punishable under Section 30 (a)
of Bihar Prohibition and Excise Act, 2016.

31.05 liters of Indian Made Foreign Liquor has
allegedly been found concealed beneath the heap of paddy
straw.

Petitioner's counsel submits that the heap of straw
was lying in the open space outside the petitioner's premises
and, therefore, no criminality could be attributed to the
petitioner based on the said recovery. He has no antecedent and



is in custody since 18.01.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. 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, Jehanabad in connection with Excise Case No 45 of 2021 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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