

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19452 of 2021**

Arising Out of PS. Case No.-532 Year-2020 Thana- PAROO District- Muzaffarpur

=====

DHARMENDRA KUMAR SON OF PAVITRA RAM RESIDENT OF
VILLAGE - MANSURPUR GOTHA , P.S. - PARU , DISTRICT -
MUZAFFARPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start

of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Paroo P.S. Case No. 532 of 2020 registered for the
offences punishable under Sections 25(1-b) A, 26 of the Arms Act
and Section 30, 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per the prosecution story, the informant, while on
patrolling duty, got secret information that some persons are
standing at Paroo Nahar and can commit some crime. The police
team reached there and on seeing police a person (petitioner) tried



to flee away with motorcycle but was apprehended. Upon search one loaded country-made pistol and one life cartridge was recovered from the waist of the petitioner and 7.200 litres illicit liquor was recovered from the motorcycle.

Learned counsel for the petitioner submits that the seizure of one loaded country-made pistol and one life cartridge and 7.200 litres illicit liquor have been made allegedly from possession of this petitioner. It is submitted that the seizure list witnesses are, however, no independent witness. Two members of the home guard have been made seizure list witnesses in this case though it is alleged that the petitioner was arrested at about 3.30 pm at Hartali More.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, however, considering the facts and circumstances of the case wherein the petitioner has remained in jail since 12.09.2020, investigation against him is complete, the seizure list witnesses are the members of the raiding party and in the two cases reported against the petitioner, he is on bail in both the cases, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act), Muzaffarpur in connection with Paroo P.S. Case No. 532 of 2020, G.R. No. 1160



of 2020 subject to the condition as laid down under Section 437

(3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

