

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20740 of 2021

Arising Out of PS. Case No.-279 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

Dinesh Chaudhary, Son of Vindhyachal Chaudhary, Resident of Redriya, P.S.-
Barhahari, O.P. Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Giri, Advocate.

For the Opposite Party/s : Mr. Shanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 30-11-2021 The applicant/accused in Crime No. 279 of 2020 registered with Durgawati Police Station for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 at the instance of Sanjay Kumar Pasi Police Station Officer, by this application is seeking his release on bail during pendency of the trial. The applicant is behind the bars from the date of the offence, i.e, 01.11.2020.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant is falsely implicated in the crime in question and considering his pretrial detention period as well as the fact that the charge sheet is already filed, he is entitled to be released on bail.

Learned Additional Public Prosecutor opposed the application by contending that the applicant has criminal



antecedent as one similar case is already registered against him. The learned Additional Public Prosecutor submits that the offence is serious.

I have considered the submissions so advanced and also perused the material placed before me including the case diary. On 01.11.2020, first informant Sanjay Kumar Pasi was making routine checking of the vehicles for ascertaining whether illicit liquor is being transported. He reported that the applicant was found to be riding on motorcycle and in the dickey of that motorcycle, tetra packs of Indian made foreign liquor were found. The applicant was transporting 8.640 litres of Indian made foreign liquor. The FIR further reveals that another vehicle of co-accused Vinod Kumar and Surabh Kumar was carrying 168.120 litres of Indian made foreign liquor.

Co-accused, Vinod Kumar and Saurabh Kumar are already directed to be released on bail by a coordinate bench of this Court vide order dated 13.08.2021 passed in Criminal Misc. No. 19544 of 2021. The applicant has already undergone pretrial detention for more than one year. The trial will take its own time. Hence by imposing some stringent condition, the applicant then be directed to be released on bail and therefore,



the order:-

i. The application is allowed.

ii. The applicant/accused in Crime No. 279 of 2020 registered with Durgawati Police Station for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, be released on bail on executing P.R. bond of Rs.30,000/- (Rupees Thirty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the



instant case.

The applicant to remove all office objections
forthwith and the Registry to issue bail-writ as per this order
only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

Bhardwaj/-

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