

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24699 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- KATHAIYA District- Muzaffarpur

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DHARMENDRA KUMAR S/O MOHAN PRASAD SINGH R/o village-
Rasulpur, P.S.- Lalganj, District- vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under sections 25(1-b)a, 26/35 of the Arms Act and Sections 30a, 37(a)(b)(c) of the Bihar Prohibition and Excise Act.

As per the prosecution case, police during patrolling, intercepted one motorcycle and arrested three persons including the petitioner. A mobile phone set was recovered from the possession of the petitioner, while some wine and a loaded country made pistol with cash Rs.38,540/- were recovered from the two associates of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition.



Petitioner is in custody since 18.1.2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that the petitioner has got clean antecedent and he is in custody since 18.1.2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise Act, Muzaffarpur in Kathiya town Police Station Case No. 06/ 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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