

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29611 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- DARAUNDA District- Siwan

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DHARMENDRA SAH S/o Late Ramnath Sah Resident of Chhebahi, P.S.-
Daraundha, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Daya Shankar Prasad Sinha, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Further, counsel for the petitioner is directed to make necessary correction in paragraph 1 of the bail application.

The petitioner is apprehending his arrest in connection with Daraunda P.S. case No.12/2021 registered under Sections 272, 273 of I.P.C. and Sections 34(B)/36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 6 liters wine is recovered.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case as the alleged recovery is made from the Bathan belonging to the joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 6 liters wine is recovered from the Bathan belonging to the joint family of the petitioner. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise, Siwan in connection with Daraundha P.S. case No.288/2021, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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