

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16956 of 2020

Arising Out of PS. Case No.-305 Year-2019 Thana- SARAI District- Vaishali

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Dharmendra Rai @ Vhim @ Bhim @ Dhramendra Kumar, aged about 27 years (Male), S/o Suresh Rai, Resident of Village-Madhopur Ram, P.S-Sarai, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate with
Mr. Ashok Kumar Jha, Advocate

For the State : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-02-2021

Heard Mr. Ramakant Sharma, learned senior counsel along with Mr. Ashok Kumar Jha, learned counsel for the petitioner and Ms. Anita Kumari Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Sarai PS Case No. 305 of 2019 dated 26.08.2019, instituted under Sections 30(a)/35(a) of the Bihar Prohibition and Excise Act, 2016.

3. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 19.12.2019 in Cr. Misc. No. 79692 of 2019.



4. The allegation against the petitioner is that 883 litres of foreign made liquor which was recovered from the Tata Magic vehicle of another co-accused and the petitioner along with the said co-accused were involved in the trade of illicit liquor.

5. Learned counsel for the petitioner submitted that he is in custody since 25.09.2019 and as per the allegation he has been made accused without anything having been recovered from him and he has no link with the recovered article.

6. Learned APP submitted that the person who was caught with liquor has stated that the petitioner was also in the business of liquor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in Sarai PS Case No. 305 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner



shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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