

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37433 of 2021

Arising Out of PS. Case No.-282 Year-2019 Thana- RIGA District- Sitamarhi

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Dharmendra Sah @ Dharmendra Kumar S/O Late Dashrath Sah R/O Village-
Punaura West Muslim Tola Ward No. 1, P.S.- Punaura, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Riga P.S. Case No. 282 of 2019 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 3324.960 liters of illegal foreign liquor is said to have been recovered from the Truck. He has no concern either with the seized liquor or the place of recovery or any



trade of liquor. He submits that brother of the petitioner Naga Sah was sitting in the aforesaid Truck and on that basis petitioner has falsely been made accused in the present case. He submits that his brother was a passenger of the said Truck and they have no concern with the alleged truck and recovered wine. He further submits that similarly situated co-accused persons has been granted anticipatory bail *vide* order dated 12.06.2020 and 04.02.2020 passed in Cr.Misc. No. 10216 of 2020 and 3625 of 2020 by different Co-ordinate Benches of this Court. Petitioner has three criminal antecedents as has been mentioned in para-3 of the present petition and he is languishing in custody since 06.04.2021.

Petitioner is agreed to deposit a sum of Rs. 1,00,000 (Rupees One Lakh) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor court in connection with Riga P.S. Case No. 282 of 2019 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is



relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 1,00,000/- (Rupees One Lakh) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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