

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2158 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- PATEPUR District- Vaishali

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DHIRENDRA SINGH @ DHIRENDRA KUMAR SINGH Son of Late Raj
Kumar Singh @ Late Ram Pukar Singh Resident of Village- Mandaidih, P.S.-
Patepur, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nityanand, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel appearing for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Patepur P.S. Case No. 89 of 2021 for the offence punishable
under Sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar
Prohibition & Excise Act, 2018.

The allegation is regarding recovery of 3693.600 litres of
illicit liquor from a truck and some other vehicles. The co-
accused persons are stated to have been arrested from the spot.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, he has been falsely implicated in the
present case and is languishing in custody since 25.08.2021.
The learned counsel for the petitioner has further submitted that
the name of the petitioner has transpired upon the disclosure



made by the co-accused persons, who had been arrested from the spot, in their confessional statement. The learned counsel for the petitioner has next submitted that the petitioner is not having any connection with the truck/vehicle in question which have been seized by the police and from which illicit liquor has been recovered. The learned counsel for the petitioner has also submitted that only after the petitioner had filed a case against the police personnel in connection with illegal seizure of money from his house, which in fact was also released pursuant to an order passed by the Hon'ble High Court, the petitioner has been made accused in other criminal cases. The learned counsel for the petitioner has further referred to a report submitted by Joint Commissioner, Excise, Bihar, Patna on 09.08.2018 (Annexure-3A to the present petition) that the money in question was illegally seized from the house of the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the fact that neither any illicit liquor was recovered from the possession of the petitioner nor from his



house nor the truck/vehicle in question belongs to the petitioner apart from the fact that it is the allegation of the petitioner that after the petitioner had filed a complaint case (Annexure-2 to the present petition), regarding illegal seizure of a sum of Rs. 8,03,000/- from his house and upon the same having been released by an order passed by the Hon'ble High Court as also the same having been found to have been illegally seized, in the report of the Joint Commissioner, Excise, Bihar, Patna dated 09.08.2018, the petitioner is stated to have been made an accused in all such similar type of other cases, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Patepur P.S. Case No. 89 of 2021.

(Mohit Kumar Shah, J)

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