

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2546 of 2022

Arising Out of PS. Case No.-5 Year-2021 Thana- SIGAUDI District- Patna

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DHARMENDRA KUMAR YADAV @ KHESARI @ DHARMENDRA
KUMAR @ KESHRI Son of Butta Singh @ Vijay Singh @ Girja Yadav
Resident of Village - Sohra, P.S. - Sigori, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-06-2022 Heard counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Excise Special Case No. 69 of 2021 arising out of Sigori P.S.
Case No. 05 of 2021 lodged under Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

The alleged recovery of two bags containing sixty
liters wine in tube were made.

Learned counsel for the petitioner submits that the
alleged recovery of two bags were not made from the conscious
possession of the petitioner. He also submits that it is true that
there are seven criminal cases relating to same nature have been
filed against him but in all the cases, the S.H.O. of Sigori P.S. is

the informant and he has strange relation with him. He further submits that he is in custody since 10.08.2021. Therefore, he should be granted bail.

Learned A.P.P. has opposed the prayer for bail.

The contention of learned counsel for the petitioner that all the F.I.R. has been lodged by the S.H.O. only due to strange relation cannot be accepted by this Court because it is the duty of the S.H.O. to do all the needful for the purpose of stoppage of crime, so the action of the S.H.O. cannot be criticized.

On the point that the petitioner has not clean antecedent and there are seven criminal cases of same nature, the learned counsel for the petitioner submits that he is ready to submit an undertaking that in future petitioner shall not involved in such types of illegal activities.

In the present facts that charge sheet has been filed in this case and accused petitioner is in custody since 10.08.2021, I am hereby granting bail to the petitioner on furnishing bail bond of Rs.1,00,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna/concerned Court in connection with Special P.S. Case No. 69 of 2021 arising out of Sigori P.S. Case No.05 of 2021.

The petitioner is directed to file an undertaking before the Trial Court that he shall not involve in such types of activities in future at the time of furnishing bail bond.

The prosecution is at liberty to file cancellation of bail of this petitioner, if he found to involve in such types of activities again.

(Dr. Anshuman, J)

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