

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4468 of 2022

Arising Out of PS. Case No.-446 Year-2020 Thana- RAJAOLI District- Nawada

DINESH RAJBANSHI Son of Pyari Rajbanshi Resident of Village - Gagan
Bujurg, P.s.- Rajauli, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Rajauli
P.S. Case No. 446/2020 registered for the offences punishable
under Section 30 (a) Bihar Prohibition & Excise Act, 2016.

As per F.I.R. on the secret information it is also
evident that in Bhati No.3, 10 litres country made Mahua wine
and 150 litre Jawa Mahua have been recovered from the
petitioner.

The learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence. He has
been falsely implicated in this case due to police mechanism and



village politics.

From perusal of the First Information Report, it is evident that total 70 litres country made Mahua wine has been recovered from the different six Bhathi in different places. Seizure list has not been made as per law and nothing has been recovered from conscious possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 30.06.2021 petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IInd-Cum-Special Judge, Nawada in connection with Rajauli P.S. Case No. 446/2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or



sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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