

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3773 of 2022**

Arising Out of PS. Case No.-46 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Dharmendra Bhagat, S/o Late Jawahar Bhagat, Resident of Village- Bhanta
Pokhar, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Excise P.S. Case (C-III) No. 46 of 2021 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

Allegedly, the petitioner is in the business of selling country made liquor and the place was raided and 76 litres of country made liquor was seized and the petitioner was apprehended while trying to escape from there.



The learned counsel for the petitioner submits that recovery has been made from an open space and the petitioner is not the owner of that land. The petitioner has been working near the place where raid was made and the police asked him to become a witness of seizure list, but on his refusal, falsely implicated him in this case. The petitioner is in custody since 22.11.2021 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan , in connection with Excise P.S. Case (C-III) No. 46 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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