

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10043 of 2022**

Arising Out of PS. Case No.-35 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Dhirendra Singh @ Dhirendra Kumar Singh, Son of Late Raj Kumar 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 : Mrs. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 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 Case C2A No. 35 of 2021 registered for the alleged offences under Sections 30(a), 32(i), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that on secret information received about the petitioner and co-accused bringing large quantity of liquor, the place where it was brought for unloading was raided and from a truck parked there, total 3033.000 litres



of India made foreign liquor was recovered. 10-15 persons escaped from the spot and the name of the petitioner was disclosed by the villagers as being involved in the trade of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Earlier the officials of Excise Department illegally took away about Rs. 8,00,000/- from the house of this petitioner while conducting raid in the neighborhood of this petitioner and ultimately the petitioner has to move before this Court by filing CWJC No. 9433 of 2018 and a vigilance inquiry was conducted in the case and the officials of the raiding party were found to be guilty and the money which was taken from the house of petitioner was ordered to be released in favour of the petitioner and action was taken against the then members of the Excise Department. For this reason, the petitioner has been falsely implicated in this case. Apart from this case, a number of cases are pending against him and he is on bail in all such cases. The learned counsel further submits that the petitioner was neither present on the spot nor anything incriminating has been recovered from his possession. The petitioner has got no concern with the liquor seized or with the vehicle which was



also seized from the spot. The petitioner is in custody since 21.01.2022 and the charge-sheet has been submitted in this case. The learned counsel further submits that similarly placed co-accused Pramod Kumar has been granted bail by this Court vide order dated 08.07.2022 passed in Cr. Misc. No. 9318 of 2022.

Learned APP opposes the prayer for bail submitting that the petitioner and co-accused persons have brought huge quantity of liquor and they are engaged in illegal business of liquor.

Having regard to the submissions made hereinabove and considering the fact that nothing has come on record to connect the seizure with this petitioner who has not been apprehended from the spot and also considering the fact that the charge-sheet has been submitted and further considering the period of custody of the petitioner, 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 Exclusive Prohibition and Excise Court-2nd-cum-Additional District and Sessions Judge, Hajipur at Vaishali in connection with Excise Case C2A No. 35 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 bailor will be the deponent, who has sworn the affidavit, and another bailor 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.

(Arun Kumar Jha, J)

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