

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9419 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Dharmu Bind, Son Of Wakil Bind, R/O Village- Sariaon, P.S.- Durgawati,
District- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

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

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 Durgawati P.S. Case No. 239 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case is that when a car was intercepted at the border of Uttar Pradesh and Bihar, about 112.320 litres of India made foreign liquor was recovered and this petitioner was driving the car.



The learned counsel for the petitioner submits that petitioner is innocent and he has no knowledge or information about the contraband. There is no evidence or material to suggest that the petitioner has been indulging in the trade of illicit liquor. The petitioner has provided the name of the owner of the vehicle. Charge-sheet has been submitted in this case and the petitioner is in custody since 02.11.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner was carrying the illicit liquor and he is having criminal antecedent as well.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been filed in this case and further considering the period of his 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-2nd-cum-Special Judge (Excise), Kaimur at Bhabua in connection with Durgawati P.S. Case No. 239 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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