

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9717 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- KAJRAILICHAK District- Bhagalpur

DHARMENDRA SAH son of Sukhdeo Sah Resident of Village - Patholpatti,
P.S. - Simutalla, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 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 Kajrali
P.S. Case No. 82/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery of
total 315 liters of foreign liquor from the motorcycle in
question. The petitioner was apprehended on spot during vehicle
checking.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioner and the seizure list has not been made as per law. He further submits that the petitioner is languishing in custody since 13.10.2021 and he bears no criminal antecedent. There is no any independent witness has supported the prosecution story except police official, petitioner has falsely dragged in this case. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted 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 Special Judge, Excise-1st, Bhagalpur, in connection with Kajrali P.S. Case No. 82/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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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