

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10552 of 2022**

Arising Out of PS. Case No.-656 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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DHEERAJ PATEL @ DHEERAJ MANDAL SON OF SRI SANJAY
MANDAL R/O VILLAGE - JAGDAMBA NAGAR, P.S.- AHIYAPUR,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 656 of 2021 instituted for the offences
under Sections 272, 273/34 of the Indian Penal Code, Sections
30(a), 36 of the Bihar Prohibition and Excise Act, 2016 and
Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.01.2022, charge-sheet has been
submitted and has antecedent of two cases.

Allegation is of recovery of 102.26 litre of liquor from



a semi constructed house along with 40 gram of smack like substance from co-accused Pankaj Kumar.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot and as far as recovery of alleged smack is concerned, the same is from Pankaj Kumar. Learned counsel further submits that the name of the petitioner came based on the confessional statement of co-accused Pankaj Kumar and on secret information received by the police.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted, was not arrested from the spot and, as such, no narcotic was recovered from the possession of the petitioner and his name came based on the confessional statement and on secret information received by the police, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 656 of 2021, subject to the condition that one of the bailors shall be the father () of the petitioner and further if the petitioner is implicated in a case of



similar nature and the same comes to the notice of the learned court below, the learned court below shall forthwith cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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