

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12564 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- MAJHAULIA District- West Champaran

=====

Dinesh Dhangar @ Dinesh Mahto Son of Late Bharosi Dhangar @ Bharoshi Mahto R/O Village- Bakhariya, Ward No.-4, P.S.- Majhauiliya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Majhauiliya P.S. Case No. 23 of 2021 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 01.12.2021.

The allegation against the petitioner is to involve in illegal manufacturing of illicit liquor from where 132 liters of illicit country made liquor and 10 utensils were recovered and 2000 liters of liquor was destroyed.

Learned counsel appearing on behalf of the petitioner submitted the recovery of alleged liquor and utensils was from an open field in Bakharia village with which petitioner is not connected in any manner. It has further been submitted that the name of the petitioner surfaced on the basis of suspicion based upon the secret information given by chowkidar of the locality. It has further been submitted that petitioner is involved in one more case, as mentioned in paragraph no.3 of the petition, in which he is on bail. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has been made from an open place.

Considering the facts and circumstances as mentioned above, as the the recovery has not been made from the



conscious physical possession of the petitioner rather the same has been recovered from an open place coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Majhauriya P.S. Case No. 23 of 2021 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, Bettiah, West Champaran, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(iii) That one of the bailors shall be
Muni Devi, who is the wife of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

