

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12055 of 2022

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

Debilal Dhangad @ Debilal Mahto S/o Late Bigan Dhangad Resident of
Village - Bakhariya, Dhangartola, Ward No. 12, P.S. - Majhauria, District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
APP for 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 Majhauria
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 22.12.2021.

The allegation against the petitioner is to have involve
in illegal business of illicit liquor, where there was recovery of
132 liters of country made liquor and several utensils.

Learned counsel appearing on behalf of the petitioner



submitted that the name of the petitioner surfaced on the basis of disclosure made by local chowkidar. It has been submitted that, as per seizure list, the recovery has been made from an open place, as such, it cannot be said that the same has been recovered from the conscious physical possession of the petitioner. It has been submitted that petitioner has been falsely implicated in this case due to local politics. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, 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, as per seizure list, the recovery of illicit liquor and other utensils has been made from open place.

Considering the facts and circumstances as mentioned above, as the recovery has been made from an open place, petitioner is a man of clean antecedent coupled with the fact that chargesheet has been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Majhulia 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) 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.

(ii) That one of the bailors shall be Ashok Dhangad, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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