

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.11919 of 2022**

Arising Out of PS. Case No.-405 Year-2021 Thana- WAJIRGANJ District- Gaya

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DHIRENDRA YADAV @ DHIRENDRA KUMAR Son of Jivlal Yadav  
Resident of Village - Khurd, P.s.- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary  
For the Opposite Party/s : Mrs.Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER**

2      08-07-2022                      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 in virtual court proceeding.

The petitioner seeks bail in connection with  
Wazirganj P.S. Case No. 405 of 2021 registered for the offences  
punishable under Section 30(a) of Bihar Prohibition and Excise  
Act, 2018.

As per prosecution case, there is alleged recovery  
of 105 litre country made mahua wine from the car in question  
and it is alleged that driver of the said car fled away from the  
spot. Local people have stated that petitioner is owner of the car  
in question.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from conscious possession of the petitioner. Petitioner is not owner of the vehicle in question. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence, petitioner is not apprehended on the spot 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 Exclusive Special Excise Court No. 1, Gaya in connection with Wazirganj P.S. Case No. 405 of 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)**

shahzad/-

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