

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17758 of 2022

Arising Out of PS. Case No.-209 Year-2017 Thana- MAHUA District- Vaishali

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Dharambeer Singh @ Dharambeer Kumar @ Bablu Son of Raghunath Singh
R/O Village- Madhopur, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Mahua
P.S. Case No. 209 of 2017 registered for the offence under Sec-
tions 414 of the Indian Penal Code and Sections 30(a), 32(ii),
38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is not named in the F.I.R. and
is in custody since 02.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where 4071.600 liters of illicit
liquor was recovered from a truck bearing Registration no. PB



13M 2655.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement of co-accused Aditya Kumar @ Bittu, and in furtherance of the confessional statement, nothing incriminating recovered from the conscious physical possession of the petitioner, suggesting that petitioner has no connection with the present set of occurrence. It is submitted that co-accused, namely, Aditya Kumar @ Bittu has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 53965 of 2017 dated 15.11.2017. It is pointed out that petitioner is involved in three other criminal cases, in which he is on bail. While concluding the argument, it is submitted that 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, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor is not from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is not from the physical possession of the petitioner, in furtherance of the confessional



statement of co-accused coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mahua P.S. Case No. 209 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge, Hajipur, Vaishali/concerned Court, subject to the following conditions:

“(i) That 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
Chandan Kumar Singh, who is the brother-
in-law of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
R.S. Sen/-

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