

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20585 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- PARASI District- Jehanabad

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DHARMENDRA KUMAR SON OF RAMKUMAR MISTRI RESIDENT OF
VILLAGE- MEHANDIA BAJAR P.S. MEHANDIA DISTRICT- ARWAL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Nand Kumar

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

2 08-06-2022 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.

The petitioner seeks regular bail in connection with
Excise Case No. 828 of 2021 arising out of Parasi P.S. Case No.
57 of 2021 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution story, on 19.09.2021 the
informant along with other police force were on patrolling duty
and received an information that some persons were carrying
liquor at village Kamta Mathiya. On the basis of the said
information the informant reached the place of occurrence and
apprehended the petitioner and co-accused Pappu Kumar. It is



alleged that from the bag of petitioner 42 litre country made liquor was recovered.

Learned counsel for the petitioner submits that petitioner is in custody since 20.09.2021 and bears criminal antecedent of one case in which he is on bail. He further submits that seizure list has not been prepared following the procedure as laid down under Section 100 of the Cr.P.C. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Jehanabad in connection with Excise Case No. 828 of 2021 arising out of Parasi P.S. Case No. 57 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother



or sister or brother or wife or the person who 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)

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