

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20322 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- SARE District- Nalanda

Mahendradhari @ Gorkha S/o Late Arjun Village - Onda, P.S. - Sare, District
- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Baljit Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sare P.S. Case No. 44 of 2022 registered for the alleged offences under Section 30 (a) (b) (c) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, the petitioner and co-accused were involved in making illicit liquor and on raid, about 6 liters of country made liquor and some equipment for manufacturing of illicit liquor were recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsly implicated in this case. Nothing has been recovered from his conscious possession. The alleged recovery has been made from the open field. The charge sheet has been submitted in this case and the petitioner is in custody since 07.03.2022. Learned counsel further submits that co-accused has been granted bail by the learned court below, whereas prayer for bail of the petitioner was refused due to criminal antecedent of this petitioner and he has eight criminal cases pending against him.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 07.03.2022, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Session Judge-II-cum-Special Judge (Excise), Nalanda at Biharsharif, in connection with Sare P.S. Case No. 44 of 2022 subject to the following conditions :

- (i) The bail bond of the petitioner will be



accepted only after framing of charge, if not already framed.

(ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not commit similar type of offences in future.

(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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