

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20931 of 2022**

Arising Out of PS. Case No.-371 Year-2021 Thana- ATRI District- Gaya

=====

Dhirendra Kumar S/o Ramrup yadav R/o Village - Jehli Bigha, P.S. - Atari,
District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, 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 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 Atri P.S.
Case No. 371 of 2021 registered for the offence under Sections
272 and 273 of the Indian Penal Code and Sections 30(a)(d) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.02.2022.

The allegation against the petitioner is to run away
from the place where there was recovery of 2400 liters of semi
liquid Mahua was made.

Learned counsel appearing on behalf of the petitioner



submitted that the recovery has not been made from the possession of the petitioner rather same has been made from open field. It has been submitted that the name of the petitioner surfaced on the basis of disclosure made by local chowkidar, who has inimical terms with the petitioner. 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 vehemently opposes the prayer of bail of the petitioner.

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 already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Atri P.S. Case No. 371 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 Exclusive Special Excise Court No.1, Gaya, 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 Arun Kumar Yadav, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

