

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21336 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- PRATAPGANJ District- Supaul

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DHARMENDRA RAY S/O MITHLESH RAY R/o village- Darhia Asadhar,
P.S.- Angarghat, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Pratapganj P.S. Case No. 97 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition And Excise Amendment Act, 2018.

As per prosecution case, total 683.250 liters of India made foreign liquor was recovered from a vehicle which met with an accident. The petitioner is stated to be the owner of the said vehicle.

Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. On the fateful day, the petitioner was in custody in Angarghat P.S. Case No. 27 of 2020. The driver of the said vehicle, namely Praveen Kumar, has been granted bail by the learned lower court vide order dated 14.10.2020. This petitioner is accused in four other cases and he is on bail in all those cases. The petitioner has been remanded in this case on 15.12.2021 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent.

Having regard to the facts and circumstances of this case and considering the submission made on behalf of the petitioner along with submission of charge sheet and the period of custody of the petitioner, 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 A.D.J.-cum-Special Judge (Excise)-II, Samastipur in connection with Pratapganj P.S. Case No. 97 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) The bail bond of the petitioner will

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

(ii) One of the bailors will be the person, who has sworn the affidavit.

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

(iv) 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)

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