

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20782 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- NAVINAGAR District- Aurangabad

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DHARMENDRA@DHARMNEDRA YADAV@GORA YADAV Son of
Shiva Yadav @ Shiv Yadav Resident of Village - Bhawanokhap, P.S.-
Nabinagar, Distt.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with

Nabinagar P.S. Case No. 93 of 2021 registered for the offences

punishable under Section 30(a) of Bihar Prohibition and

amended Excise Act, 2018.

As per prosecution case, there is alleged recovery

of altogether 1300 bottles each containing 300 ml Tanaka liquor

from car in question and apprehended co-accused has disclosed

the name of the petitioner and others who fled away from the

place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 07.12.2021 and bears criminal antecedent of four cases in which one case is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that he has been falsely implicated in this case due to administrative caprice for self-plantation by the authorities on the flimsy basis of so called confession made by arrested accused Pappu Kumar which was got no legal sanctity.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Special Judge Excise 1st, Aurangabad, Bihar in connection with Nabinagar P.S. Case No. 93 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission, 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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