

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21225 of 2022**

Arising Out of PS. Case No.-337 Year-2019 Thana- KANTI District- Muzaffarpur

Dharmendra Ram S/o Mangal Ram R/o village- Arala, P.S.- Kanti Panapur
O.P., District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kanti P. S. Case No. 337 of 2019 registered for the offences punishable under Sections 25 (1-b)a, 26 and 35 of the Arms Act and Section 30 (a), 38 and 41 of the Bihar Prohibition and Excise Amendment Act.

As per the prosecution case, it is alleged that the Police, on a secret information that the co-accused Jitendra



Kumar @ Golu was making a plan to commit crime with illegal weapons and also storing illicit wine, raided his whereabouts and from the house of the petitioner 41.06 litres illicit foreign liquor, Rs. 70,000/- cash and two mobile phones were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and in fact, the recovery has been made from the house of one Santu Ram, who is agnate and having his house adjacent to the house of the petitioner and moreover, the petitioner is living in a joint family house but only because of his past criminal antecedent, his name has been falsely implicated in this case, further so far the cash of Rs. 70,000/- is concerned, that has been received after selling of cattle. It is next submitted that this petitioner is in custody since 04.02.2022 and moreover, after investigation of the crime, the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner



neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession rather the alleged recovery has been made from a joint family house in as much as the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No. II, Muzaffarpur in connection with Kanti P. S. Case No. 337 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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