

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22133 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

DHEERAJ KUMAR @ DHEERAJ KUMAR SAH S/o Keshav Sah Vill and
Post Bhurkurwa, P.S.- Rajepur District - East Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-07-2022 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.

The petitioner seeks bail in connection with
Siwaipatti P.S. Case No. 149 of 2021 registered for the offences
punishable under Sections 272, 273, 120(B)/34 of the Indian
Penal Code read with Section 30(a) of Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 105 litres spirit from Wagon R car and the petitioner was
apprehended on spot inside the car. It is further alleged that Rs.
56,800.00/- has been recovered from the possession of the
petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 25.11.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has falsely been implicated in this case. Co-accused Veerchand Kumar and Umesh Kumar have already been granted bail vide Cr. Misc. No. 10796 of 2022 by co-ordinate bench and the case of present petitioner stands more or less on similar footing.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted 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 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, Muzaffarpur in connection with Siwaipatti P.S. Case No. 149 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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