

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25052 of 2022**

Arising Out of PS. Case No.-38 Year-2022 Thana- DHANAHA District- West Champaran

1. DHARMNATH KUMAR SAH @ DHARMNATH KUMAR Son of Kushhar Sah Resident of Village - Saidnagar, P.S. - Muffasil, District - East Champaran.
2. Sumit Kumar Son of Fulan Sah Resident of Village - Chandrahiya, P.S. - Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar  
For the Opposite Party/s : Mr.Sharda Kumari

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      03-08-2022                      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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Dhanha P.S. Case No. 38 of 2022 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 291 litres English liquor from the Tempo in question. Petitioners are apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 15.02.2022. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Learned counsel further submits that nothing incriminating has been recovered from the conscious or constructive possession of the petitioners. The petitioners are not the owner of the Tempo in question. Seizure list is not made as per law. There is violation of Section 100 of Cr.P.C. The petitioners have no concern with the alleged Tempo and liquor.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Dhanha P.S. Case No. 38 of 2022, 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) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper 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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