

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24523 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- PHULWARIYA District- Gopalganj

Dhanjay Khatik @ Dhanjay Sah @ Dhananjay Sah Son Of Rajendra Sah
Resident Of Village - Koisa, Khurd, P.S.- Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Phulwaria P.S.Case No. 15 of 2021 for the offences
punishable under Sections 30(a) of the Bihar Prohibition &
Excise Act 2018.

As per the prosecution case, it is alleged that on
secret information the police intercepted a car bearing
registration no. DL2C AA 3694 and altogether 153 liters liquor
has been recovered. It is further alleged that the persons, who
were apprehended in the vehicle, succeeded to flee away, one of



the person has been identified while fleeing away.

It is submitted by the learned counsel for the petitioner that the alleged seized vehicle does not belong to the petitioner and moreover, petitioner was neither arrested on the spot nor any incriminating material has been recovered from person and possession. It is further submitted that as per the prosecution case, the name of petitioner has been disclosed by the spy, which appears to be suspicious and, in fact only because of the past criminal antecedent, the name of the petitioner has been implicated in this case, which is nothing only highhandedness of the police. Petitioner is in custody since 02.03.2022 and the investigation of the crime is already been completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has found involved in two other case of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested on the spot nor any incriminating material has been recovered, in as much as the seized vehicle in question, does not belong to the petitioner and he is in custody since 02.03.2022,



let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- cum- Special Judge Excise Court No.-I, Gopalganj in connection with Phulwaria P.S.Case No.15 of 2021 subject to the condition that one of the bailors will be the close relatives 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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