

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27839 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- SARE District- Nalanda

Mithlesh Dhadhi Son Of Late Arjun Dharhi R/O Village- Onda, P.S.- Sare,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 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. Upendra Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sare P. S. Case No. 141 of 2022 registered for the offences punishable under Section 30 (a)(b)(c) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the Police on a secret information, raided the place of occurrence. It is further alleged that on noticing the police party, two persons



after throwing the gallon fled away and on search, 25 litres country-made chulai wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, the alleged recovery has been made near the Onda pond, which is a public place and accessible to all and moreover, the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is next submitted that the petitioner is in custody since 19.02.2022 and only because of his past criminal antecedent, his name has been implicated in this case, however, the petitioner is on bail in all the previously instituted criminal cases.

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 was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, the illicit wine has been recovered from a public place near the pond, which is accessible to all and this petitioner is in custody since 19.02.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-



(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge-cum Special Judge Excise II Nalanda in connection with Sare P. S. Case No. 141 of 2022, 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.

(Harish Kumar, J)

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