

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26951 of 2022**

Arising Out of PS. Case No.-153 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Dharmendra Rai Son of Late Pavitra Rai R/O Village- Mahua, P.S.- Mahua,  
District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      29-07-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with  
  
Kuchaikote P.S. Case No. 153 of 2022 registered for the offence  
  
punishable under Section 30(a) of the Bihar Prohibition and  
  
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 05.04.2022.

The allegation against the petitioner is to be engaged  
  
in illegal trading/manufacturing of illicit liquor, where, there is  
  
recovery of 2466 litres of IMFL liquor from the Truck bearing



registration no.HR55S5571.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by the driver of the alleged vehicle, namely, Ashok Kumar. It is submitted that in furtherance of said confession/disclosure, no illicit liquor was recovered from the possession of the petitioner, except one mobile phone, as per seizure list. It is also submitted that petitioner involved in five criminal cases, in which he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that alleged recovery of illicit liquor was made from the Truck, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kuchaikote, P.S. Case No. 153 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Judge, Excise Court-II, Gopalganj/concerned Court, subject to the following conditions:

*“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.*

*(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

*(iii) That one of the bailors shall be Hirendra Kumar, who is the son of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

pooja/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

