

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28930 of 2022

Arising Out of PS. Case No.-219 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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DHARMENDRA PRASAD S/o Durga Prasad R/o village- Murmo, P.S.-
Pandiva, District- Palamu

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s :	Mr. Bachan Jee Ojha, Advocate Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Excise Case No. 219 of 2022 registered for the offences punishable under Sections 30(a), 56(b) of the Bihar Prohibition and Excise Act. He is in custody since 08.04.2022. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that allegedly the petitioner is said to have been arrested from the Tata Indigo Car from which 80.625 liters of foreign liquor has been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It



is submitted that the petitioner is a student of Intermediate and has no knowledge about the articles kept in the car as the same was under the custody of the driver. The petitioner is in custody since 08.04.2022 having no criminal antecedent. It is further submitted that the petitioner has to appear in the examination being conducted by the Jharkhand Academic Council, Ranchi which is scheduled to start from 16.06.2022.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is a student and has no criminal antecedent as also that he has remained in custody for over two months in connection with the present case, he has to appear in the examination being conducted by the Jharkhand Academic Council, Ranchi and is scheduled to start from 16.06.2022, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties (**one of the sureties shall be the father of the petitioner**) of the like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya, in connection with Excise Case No. 219 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation 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.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.

