

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30731 of 2022

Arising Out of PS. Case No.-414 Year-2020 Thana- CHANPATIA District- West Champaran

RAJESH DHANGAR @ RAJESH MAHTO S/o Late Prabhu Dhangar @
Prabhu Mahto R/o Village- Lohiyaria, Dhangar Toli,P.s.- Chanpatia
(Kumarbag), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Abhishek Kumar, learned counsel for the petitioner as well as Mr. Satyendra Narayan Singh, 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 Chanpatia (Kumarbag) P. S. Case No. 414 of 2020 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in



course of vehicle checking, the police party received an information with regard to selling of illicit wine and on the aforesaid information, they raided the house of accused persons. It is further alleged that from the house of this petitioner 13 litres illicit country-made liquor and other utensils and apparatus for manufacturing of wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. So far the alleged recovery is concerned, the same has been made from a joint family house, wherein several persons reside and as such, the petitioner cannot be made responsible for the same. It is further submitted that only because of the past criminal antecedent, the name of the petitioner has been implicated in this case. However, there are other infirmities in the preparation of seizure list and moreover, the petitioner is in custody since 08.12.2021.

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 arrested at the spot nor any incriminating material



has been recovered from his person or possession and moreover, the alleged recovery has been made from a joint family house, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Champaran at Bettiah in connection with Chanpatia (Kumarbag) P. S. Case No. 414 of 2020 , 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.
- (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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