

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31309 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- NAUTAN District- Siwan

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DHARMENDRA CHAUHAN S/o Late Raghu Chauhan Resident of Village-
Chitmath, P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP.

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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. Dharmendra Kumar Singh, 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 Nautan P. S. Case No. 74 of 2022

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 the

police, on a confidential information that the petitioner and

other co-accused have kept the wine in the wheat field of one



Sudhir Rai, raided the place of occurrence, however, on noticing the police party the accused persons succeeded in fleeing away. On search, total 306 litres country-made liquor was recorded.

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 conscious or constructive possession. It is further submitted that the name of the petitioner has been implicated in this case on mere suspicion and save and except the suspicion that too on account of past criminal antecedent of the petitioner, there is no other material. It is next submitted that he petitioner has been found involved in four other similar kind of cases, however he is on bail in all the cases. It is lastly submitted that the other co-accused person having identical allegation has already been granted bail by learned co-ordinate bench of this court and the petitioner is in custody since 27.04.2022.

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 nothing has been recovered from the person or possession of this petitioner and the alleged recovery has been made from the field of one



Sudhir Rai and this petitioner is in custody since 27.04.2022, 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 Additional District and Sessions Judge, Special Excise Court 2nd Siwan in connection with Nautan P. S. Case No. 74 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.
- (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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