

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35956 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Dheeraj Kumar Son Of Late Umakant Singh R/O- Anand Vihar Colony, C/23,
Ambedkar Path, P.S.- Rupaspur, Dist.- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Industrial Area P.S. Case No. 112 of 2021 registered for the alleged offences under Section 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, during search of vehicles, a car was intercepted and from this car about 420 liters of country made liquor was recovered. The petitioner is stated to be the owner of the vehicle.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has already sold his car to one Mahtab Alam and even the purchaser Mahtab Alam again sold this car to some other person. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. On the date of alleged recovery, the petitioner was present in his shop at Patna and he has no knowledge about the alleged occurrence. Charge sheet has been submitted in this case and the petitioner is in custody since 12.04.2022. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge Ist-cum- Additional



District & Sessions Judge, Hajipur, Vaishali in connection with Industrial Area P.S. Case No. 112 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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