

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37187 of 2022

Arising Out of PS. Case No.-537 Year-2021 Thana- DEHRI TOWN District- Rohtas

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DHARMENDRA KUMAR @ DHARMENDRA KUMAR SINGH SON OF
SURAJ DEO SINGH RESIDENT OF VILLAGE- KARMONI
GAMHARIYA, P.S.- DOBHI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra

For the Opposite Party/s : Mr.Md. Aslam Ansari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Dehri

Town (Indrapuri O.P.) P.S. Case No. 537 of 2021 registered for

the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery

of 30 litres illicit wine from the car in question and petitioner

along with others was found sitting in the said car. It is also

alleged that 1065 litre illicit wine was recovered from the

pickup van in question.



Learned counsel for the petitioner submits that petitioner is in custody since 22.09.2021 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that on similar allegation co-accused Pankaj Kumar Singh has been granted bail by the co-ordinate Bench of this court and the case of petitioner stands on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** 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 II cum Special Judge (Excise), Rohtas at Sasaram in connection with Dehri Town (Indrapuri O.P.) P.S. Case No. 537 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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