

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46112 of 2021

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Dharmendra Kumar @ Dharmendra Sahni S/O Kailash Sahni R/O Village-
Lagma Ward No.-7, P.S.- Dumra, Dist- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 02-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Runnisaidpur P.S. Case No. 491 of 2020 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a), 38(i)(ii), 41 of Bihar Prohibition and Excise Act. He has remained in custody since 16.06.2021 and has two criminal antecedents.

Learned counsel for the petitioner submits that the informant who is the S.I. of Police posted in Runnisaidpur Police station on secret information reached at the given place and recovered approximately 2962.70 liters of illicit liquor



from Bolero Pick up van, Sumo Victa, Maruti Swirt Car, Bajaj Motorcycle parked in front of the house of co-accused Manoj Prasad. It is further alleged that the persons sitting inside the vehicles managed to escape. The informant further recovered some cash from the house of co-accused Manoj Kumar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. He is not named in the FIR and has not been identified at the place of occurrence. It is further submitted that his name has come in the confession of co-accused extracted before the Police. It is further submitted that the petitioner has no concern with the vehicles from which alleged recovery of liquor has been made. The petitioner is in custody since 16.06.2021.

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

Having regard to the submissions that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused Ujjawal Kumar Singh, there is no recovery from possession of the petitioner and the co-accused Manoj Kumar @ Manoj Prasad from whose house 2405 liters of illicit liquors were recovered has been granted bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 32308 of 2021 and some of the co-accused including said Ujjawal Kumar Singh has



been granted bail in Cr. Misc. No. 29218 of 2021 and further that the petitioner has remained in custody for about 8 months, he has got two criminal antecedents in which he is said to be on bail, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge Excise Act, Sitamarhi in connection with Runnisaipur P.S. Case No. 491 of 2020, 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 allowed.

(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'.

