

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38803 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- CHANDI District- Bhojpur

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Dharmendra Singh @ Dharmendra Kumar Singh, Son of Ajit Singh, Resident
of village- Narhi, P.s.- Chandi, District- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Chandi P.S. Case No. 29 of 2022 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, a raid was conducted on the
house of co-accused Prabhanjan by the police on getting the
information that he has been dealing in illicit trade of liquor
with the help of this petitioner who is stated to be his partner.
Four persons tried to escape from the house of Prabhanjan and



three of them made good their escape. One co-accused Sanjay Chaudhary was apprehended, who named this petitioner as the person who fled away from the spot. From the dilapidated house total 177.750 litres of India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The recovery has been made from the dilapidated house of Chunnu Singh and Prabhanjan and no recovery has been made from the house of this petitioner. He has got no concern with the co-accused Chunnu Singh or Prabhanjan. The petitioner has been named in this case merely on suspicion. The petitioner is in custody since 10.06.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and further considering the clean antecedent of the petitioner and also considering the submission of charge-sheet along with his period of custody, 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 1st Exclusive Special Excise Court, Bhojpur, Ara, in connection with Chandi P.S. Case No. 29 of 2022, 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 the deponent, who has sworn the affidavit.

(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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