

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41300 of 2022

Arising Out of PS. Case No.-387 Year-2021 Thana- BANIAPUR District- Saran

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Dharmendra Chaurasiya @ Dharmendra Bhagat Son of Kanahaiya Bhagat @
Kanhaiya Chaurasiya, R/O Village- Lawua Tedhi Ghat, P.S.- Baniyapur,
District- Saran,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Surender Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 Let the defect(s) if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Baniyapur P.S. Case No. 387/2021, lodged under Section 30(a)
of the Bihar Prohibition & Excise Act 2016.

As per prosecution case, total recovery of 50 litres of
Mahua wine have been recovered from the Santro car, from
which accused Ajai Ram was apprehended and on his
confessional statement, the name of present petitioner has been
figured in this case. In his confessional statement it has been
stated by said Ajay Ram that this car belongs to the petitioner.



But petitioner has categorically stated in para-9 of the present petition that he has nothing to do with the said car. He further submits that petitioner is in custody since 13.04.2022 and charge sheet has already been filed. He further submits that there are four cases pending against the petitioner, out of which three cases relating to excise matter and one case related with non-excise matter. On the point of his criminal antecedent, learned counsel for the petitioner submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned APP for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (rupees thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-2nd-cum- Exclusive Special Judge-I, Excise, Saran, in connection with Baniyapur P.S. Case No. 387/2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(A.) The petitioner shall support in trial and shall appear physically before the lower court on each and every date



fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

(B.) One of the bailor shall be close relative who shall file affidavit before the Court about his relation with the petitioner.

(C.) The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ranjeet/-

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