

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41619 of 2022**

Arising Out of PS. Case No.-153 Year-2021 Thana- CHACKMEHSI District- Samastipur

DHARMENDRA KUMAR S/o Ramashish Mahto Resident of Village-
Malinagar, P.S.- Chakmehsi, Distt- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.Akbar Ali

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 25-08-2022 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.

The petitioner seeks bail in connection with
Chakmehsi P.S. Case No. 153 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise(Amendment) Act, 2018.

As per prosecution case, on the basis of secret
information that the petitioner and others are unloading the
illegal liquor from pickup van in front of house of the petitioner
to trade the illicit liquor police reached there and 380.16 litres
foreign liquor was recovered from the pickup van and
motorcycle in question.



Learned counsel for the petitioner submits that petitioner is in custody since 18.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is neither owner nor the driver of the said vehicle. It is further submitted that petitioner was not apprehended on the spot.

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, petitioner was not apprehended on the spot, keeping in view clean antecedent of petitioner, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur in connection with Chakmehsi P.S. Case No. 153 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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