

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41844 of 2022

Arising Out of PS. Case No.-410 Year-2022 Thana- DANAPUR District- Patna

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DHARMENDRA KUMAR Son of Ramadhar Yadav @ Ramadhar Ray @
Ramadhar Kumar Resident of Village - Gola Road, P.s.- Danapur, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Chandra

For the Opposite Party/s : Mrs.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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
Special Excise Case No. 747 of 2022 arising out of Danapur P.S.
Case No. 410 of 2022 registered for the offences punishable
under Sections 30(a), 38(ii) of the Bihar Prohibition and Excise
Act.

As per prosecution case, there is alleged recovery
of 200 litre illicit country made liquor from the Auto in question
and petitioner was apprehended on the spot while he was trying
to run away.



Learned counsel for the petitioner submits that petitioner is in custody since 07.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. Petitioner is neither owner nor driver of the Auto in question. Seizure list has not been made as per law.

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, 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 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 Special Excise Judge, Danapur, Patna in connection with Special Excise Case No. 747 of 2022 arising out of Danapur P.S. Case No. 410 of 2022, 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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