

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41477 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- VIJAYEPUR District- Gopalganj

Dharmendra Turaha Son of Sudama Turaha Resident of Village- Chik Valiyar,
P.S.- Vijaipur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pankaj Kumar Dubey, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Vijaypur P.S. Case No. 65 of 2022, registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a), 41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that in course of vehicle checking, the police apprehended the petitioner, who was riding on a motorcycle and on search total 50 litres of



Chulai wine was recovered from a gunny bag.

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the person or possession of this petitioner, apart from the fact that the petitioner is neither owner of the motorcycle nor he has any concern with the alleged recovered wine. He next submits that in fact on the fateful day, some miscreants having seen the police party left the motorcycle and fled away after throwing the bag containing the illicit wine and as the petitioner was standing just beside the motorcycle, he has been apprehended on suspicion and his name has been implicated in this case. He further submits that there is non-compliance of Section 100 of the Cr.P.C., apart from defiance of Sections 81 and 82 of Bihar Prohibition and Excise Act, further the investigation of the crime is already completed and charge sheet has been submitted, though the petitioner is in custody since 07.04.2022 and, there is no likelihood of commencement of trial in near future.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that though the investigation of the crime is already completed and charge sheet



has been submitted and the petitioner has neither any concern with the motorcycle nor with the illicit wine and he is in custody since 07.04.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-IV Cum-Special Judge, Excise Court II, Gopalganj, in connection with Vijaipur P.S. Case No. 65 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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