

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42861 of 2022

Arising Out of PS. Case No.-184 Year-2021 Thana- LADANIA District- Madhubani

DINESH SAH @ DINESH KUMAR @ SIR JEE S/o Ram Narayan Sah R/o
village- Kariyaut Menha Tol, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-09-2022 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
Ladaniya P.S. Case No. 184 of 2021, registered for the offences
punishable under Sections 272, 273 of the I.P.C. and Section
30(a) of Bihar Prohibition and Excise Act, 2018

As per prosecution case, there is alleged recovery
of 225 litre of Nepali liquor from three vehicles in question.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. Name of present petitioner
has been transpired on the basis of confessional statement of
apprehended co-accused persons as they disclosed the name of



present petitioner and others who fled away from the place of occurrence. Except confessional statement there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 01.07.2022 and bears criminal antecedent of five cases of similar nature. He further submits that petitioner is neither the owner nor the driver of the said vehicles and also he has no concern with the alleged recovered wine. Nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in the case. Petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, argument advanced on behalf of both sides 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 184



of 2021, G.R. No. 1061 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)

vashudha/-

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