

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47063 of 2022

Arising Out of PS. Case No.-111 Year-2020 Thana- GADHPURA District- Begusarai

=====

Dhiraj Kumar Singh, S/o Krishna Kanhaiya Ray, Resident of Village-
Sakarpura, P.S.- Hasanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 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. Pramod Kumar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Gadhpura P.S. Case No. 111 of 2020 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Allegation against the petitioner is to be engaged in
trafficking of illicit wine, the police on a confidential
information with regard to unloading of illicit liquor on the door
of co-accused Shambhu Singh raided the place of occurrence,
however, on noticing the police party, the F.I.R. named accused
persons and other two unknown persons succeeded in fleeing
away. On search, total 971.52 litres of Indian made foreign



liquor was recovered from the Truck.

Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner surfaced only on the basis of suspicion, on the disclosure made by the spy of the police, and neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession. He next submits that from the F.I.R., it would be evident that the alleged recovery has been made from the door of the co-accused and neither the petitioner has any concern with the alleged house nor with the alleged seized liquor, apart from there is no compliance of Section 100 of the Cr.P.C. He further submits that other co-accused persons, having identical allegations, have already been granted bail by the learned coordinate Bench of this Court, the copies of which have been annexed as Annexure-2 Series. He lastly submits that the petitioner, having fair antecedent, is in custody since 23.06.2022, though the investigation of the crime is complete and charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material



has been recovered from his person or possession and moreover co-accused persons, having identical allegations, have already been granted bail by the learned coordinate Bench of this Court and now the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-I, Begusarai in connection with Gadhpura P.S. Case No. 111 of 2020, 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.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

