

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62984 of 2021**

Arising Out of PS. Case No.-9 Year-2021 Thana- MANIYARI District- Muzaffarpur

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DHIRAJ KUMAR S/o Vishwanath Sahni R/o Village- Maniyari, P.S.-
Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Lal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Maniyari P.S. Case No. 09 of 2021, for the offence punishable
under Sections 272, 273 and 290 of the Indian Penal Code,
Section 30(a), 34, 36, 41 and 56 (d) of the Bihar Prohibition and
Excise Act, 2016.

The allegation is recovery of 40.320 litres of Indian
Made Foreign Liquor from mango orchard.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that nothing has been
recovered from the conscious possession of the petitioner. He



further submits that similarly situated co-accused Raja Kumar @ Vikash Kumar has already been enlarged on bail by this Court vide order dated 03.01.2022 passed in Criminal Miscellaneous No. 38709 of 2021. The petitioner has clean antecedent and he is in custody since 29.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that it would not be in the interest of the society to release the petitioner on bail as after consuming country made liquor hooch tragedy is rampant in the State of Bihar.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise Act), Muzaffarpur in connection with Maniyari P.S. Case No. 09 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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