

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53452 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- SASARAM NAGAR District- Rohtas

Dharmendra Kumar @ Dharmendra Kumar Singh Son of Suraj Deo Singh
Resident of village - Karmoni Gamhariya, P.S.- Dobhi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Sasaram (Town) (Darigaon) P.S. Case No. 191 of 2021 lodged under Sections 419, 420 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 1600 liter illicit spirit is subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 11.10.2021 having one criminal case pending against him, in which he is on bail

and charge sheet has already been filed in this case. He also submits that from the seizure list, it transpires that the said recovery has not been made from the petitioner's possession rather it was recovered from the possession of other co-accused. Learned counsel submits that petitioner's name has been figured in this case by the confessional statement of co-accused Rahul Kumar.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court-2-cum-Additional District & Sessions Judge, Rohtas, Sasaram in connection with Sasaram (Town) (Darigaon) P.S. Case No. 191 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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