

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53126 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Dhaneshwer Rai @ Dhaneshwar Kumar Rai, Son of Chandeshwar Rai,
Resident of Village - Dadpur Chaknur, P.s.- Mufassil, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Excise Case No. 19 of 2022 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, recovery of 348 litres of
beer was made from the vehicle being driven by this petitioner
who was apprehended from the spot along with co-accused
Ganesh Kumar.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. Recovery has been made from a bush beside the road and merely on suspicion the petitioner was apprehended while he was going through the said road. The petitioner is the owner of the vehicle and he has refused to carry the illicit liquor as directed by the police and for this reason he was falsely implicated in this case. The petitioner has got no concern with the allegedly seized illicit liquor. The petitioner is in custody since 02.05.2022 and prosecution report has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner as well as submission of prosecution report against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of court of learned Additional District and Sessions Judge-IV-cum-Special Excise Court-II, Gopalganj in connection with Excise Case No. 19 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal



Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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