

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55418 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- BARAUNI District- Begusarai

Dharo @ Dharvendra Kumar, Son of Rambabu Rai R/V- Rachiyahi Nayatola,
P.S- Mufassil Singhaul, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 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 Barauni P.S. Case No. 135 of 2022 registered
for the alleged offences under Section 30 (a) of the Bihar
Prohibition Act and Excise Act.

As per prosecution case, police received secret
information about the delivery of illicit liquor from a tanker
coming from Assam. A raid was conducted and the tanker as
well as a number of vehicles were seized. From these vehicles,
recovery of total 1357 litres of India made foreign liquor and
beer, respectively was made. The petitioner was named by the



co-accused persons who were apprehended from the spot as one of the intended recipients of the illicit liquor.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession. The petitioner is not the owner of any of the vehicles seized or the illicit liquor recovered during the raid. There is no independent witness in the seizure list and seizure has been made in violation of Section 104 of the Cr.P.C. The petitioner is in custody since 23.07.2022 and the charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having clean antecedent.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering his period of custody along with the submission of charge-sheet, 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 learned Exclusive Special Excise Judge-I, Civil Court, Begusarai in



connection with Barauni P.S. Case No. 135 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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