

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55520 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- DINARA District- Rohtas

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Dhanji Gupta @ Dhanji Kumar Son Of Vishnu Sah R/O Village- Dinara
Chowk (WEST of Fish Market), P.S.- Dinara (BHANASI), Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 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 Dinara (Bhanas) P.S. Case No. 234 of 2021
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret
information about transportation of illicit liquor in a four
wheeler. A search was conducted at the identified place and total
207.360 liters of India made foreign liquor was recovered from
a parked vehicle. After seeing the police party, two persons tried
to flee away but one of them was apprehended from the spot



who disclosed the name of the petitioner who fled away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot. The name of the petitioner has transpired in this case on the basis of the confessional statement of co-accused Manoj Kumar Ram. The petitioner is neither the owner nor the driver of the seized vehicle from which illicit liquor has been recovered. Charge sheet has been submitted in this case and the petitioner is in custody since 30.03.2022. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission 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 also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 2nd Additional Sessions Judge-cum-Exclusive Special Excise Court No. 1, Rohtas at Sasaram, in connection with Dinara (Bhanas) P.S. Case No. 234 of 2021, 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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