

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56015 of 2022

Arising Out of PS. Case No.-266 Year-2022 Thana- KATEYA District- Gopalganj

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DHARMENDRA KUMAR Son of Shivpujan Madeshia R/o Village -
Nakhani, P.S.- Kaseya, District - Kushi Nagar, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Kateya
P.S. Case No. 266 of 2022 registered for the offences punishable
under Sections 414/34 of the Indian Penal Code read with
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery
of 305.88 liter foreign liquor from motorcycle and Maruti
Suzuki car in question. Petitioner is alleged to be the driver of
said Maruti Suzuki car and apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.06.2022. Petitioner bears no
criminal antecedent. Learned counsel further submits that the



petitioner is the driver of the vehicle and he has no concern with the alleged recovery. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is innocent and has falsely been implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of the parties, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Excise Court – I, Gopalganj in connection with Kateya P.S. Case No. 266 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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