

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70308 of 2021

Arising Out of PS. Case No.-336 Year-2021 Thana- TAJPUR District- Samastipur

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DHARMENDRA DAS Son of Gangeshwar Das Resident of Village Larua,
Ward No. 05, P.S. - Tajpur (Halai), District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Tajpur
(Halai O.P.) P.S. Case No. 336 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition & Excise
(Amendment) Act, 2016.

As per prosecution case, total 1680.750 liters of
liquor have been recovered from the pickup van and truck in
question and the name of present petitioner has been transpired on
the disclosure of co-accused Kamlesh Rai.

Learned counsel for the petitioner submits that
petitioner bears no criminal antecedent and the present petitioner is

not apprehended on spot. Petitioner has got no concern neither the aforesaid three vehicles i.e. truck, pickup van and motorcycle nor he has got any concern with the seized Indian made foreign liquor. Petitioner is neither the owner nor the driver of the aforesaid three vehicles nor he has got any concern with the aforesaid consignment. The apprehended accused Kamlesh Rai allegedly disclosed the name of Bhikhari Rai as well as Dharmendra Das (petitioner) as persons who alongwith unknown driver and truck owner used to deal in the wine business. Petitioner is in custody since 04.10.2021 and no incriminating material has been recovered from possession of the petitioner. It is further stated that co-accused Bhikhari Rai has already been granted bail by a coordinate bench vide Cr. Misc. No. 68959 of 2021. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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 and keeping in view clean antecedent of petitioner and he is not apprehended on spot and charge sheet has already been submitted and co-accused as mentioned above has already been granted bail 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 & Sessions Judge-II-cum- Special Judge Excise, Samastipur in connection with Tajpur Halai P.S. Case No. 336 of 2021, 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 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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