

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60516 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- TAJPUR District- Samastipur

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DHARMENDRA KUMAR RAY Son of Rambabu Ray Resident of Village-
Bikrampur Sarangpur, P.S.- Tajpur (Halai O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 62407 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- TAJPUR District- Samastipur

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AMRESH RAY Son of Darveshwar Ray R/V- Bikrampur Sarangpur P.S-
Tajpur (Halai O.P) Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 60516 of 2022)

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

(In CRIMINAL MISCELLANEOUS No. 62407 of 2022)

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-11-2022 At the outset, It is submitted by learned counsel for

the petitioners that he seeks permission to withdraw this

application against petitioner namely, Amresh Ray in Cr. Misc.

No. 62407 of 2022.

Permission is accorded.

This application is dismissed as withdrawn against



petitioner namely, Amresh Ray in Cr. Misc. No. 62407 of 2022.

So far as petitioner namely, Dharmendra Kumar in Cr. Misc. No. 60516 of 2022 is concerned, the instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Tajpur (Halai O.P.) P.S. Case no. 371 of 2022 instituted for the offence under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of total 203.04 liters illicit country made liquor from the agricultural land of co-accused namely, Rajeev Kumar Ray.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner has no concern with the alleged recovery of illicit liquor or with the place of occurrence. The name of the petitioner has been dragged in this case on basis of secret information. The illicit liquor in question has been recovered from the agricultural land of co-accused Rajeev Kumar Ray and neither the petitioner arrested on spot nor any incriminating article has been recovered from his conscious possession.

Learned APP appearing for the State has opposed the prayer of Bail.



Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner namely, Dharmendra Kumar in Cr. Misc. No. 60516 of 2022 on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Tajpur (Halai O.P.) P.S. Case no. 371 of 2022, he will be enlarged 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 Special Judge Excise-02, Samastipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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