

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71857 of 2021**

Arising Out of PS. Case No.-97 Year-2021 Thana- NATIONAL HIGHWAY District-
Samastipur

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Dharmendra Kumar Sah @ Bantha @ Dharmendra Kumar @ Dharmendra
Sah Son of Sitaram Sah Resident of Village - Gauspur Sarsauna, P.S. - N.H.
Bangara, District - Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-06-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Bhanu Pratap Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with N.H. Bangara P.S. Case No. 97 of 2021
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Section 30 (a) of Bihar Excise
and Prohibition Act, 2016. He is in custody since 08.09.2021
having no criminal antecedent as stated in paragraph '3' of the
application.

As per the prosecution story, while the informant was
on patrolling duty along with other police personnel, he received



secret information that one Passion Pro Motorcycle is coming towards Sarsauna Chowk loaded with illegal foreign liquor, thereafter he proceeded towards the same and started checking, in the meanwhile, the aforesaid vehicle was coming and when he tried to stop the motorcycle rider, he tried to escape but on chase he was apprehended and disclosed his name as Dharmendra Kumar. The informant further alleged that the motorcycle was searched and total 17.460 liters of illegal foreign liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing incriminating article has been recovered from his possession, however he is in custody since 08.09.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the motorcycle in question total 17.460 liters of illicit liquor were recovered and in connection with the same petitioner has remained in custody since 08.09.2021, he has otherwise no criminal antecedent, investigation against him is complete and his presence may be secured in course of trial, therefore this Court directs release of the petitioner above named on bail on



furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 2nd – cum – Special Judge, Excise Act, Samastipur in connection with Bangara P.S. Case No. 97 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

