

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72257 of 2021

Arising Out of PS. Case No.-28 Year-2019 Thana- JANDAHA District- Vaishali

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DHIRENDRA SINGH S/o Late Raj Kumar Singh R/o Village- Mandai Dih,
P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 01-07-2022 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 in virtual mode.

The petitioner seeks bail in connection with
Jandaha P.S. Case No. 28 of 2019 registered for the offences
punishable under Section 30(a) of Bihar Prohibition & Excise
(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 69.84 litre foreign liquor from the two vehicles in question
which were parked near the house of co-accused Raj Kumar
Singh and it is alleged that co-accused Raj Kumar Singh along
with present petitioner was involved in selling of alleged liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 12.08.2021 as mentioned in the impugned order. Petitioner bears criminal antecedent of several cases and in reply of criminal antecedent, he has submitted that C.W.J.C. No. 9433 of 2018 was filed by the petitioner where direction has been issued to District Magistrate-cum-Collector, Vaishali to release the amount of Rs. 5,78,680/- seized from the house of the petitioner in connection with C2A No. 130 of 2017 for alleged violation of the provisions of the Act and after that the police officials started threatening the petitioner and started implicating him in false cases from the year 2018 to 2021. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. It has further been submitted that the petitioner is neither apprehended on the spot nor alleged recovery was made from the conscious possession of the present petitioner.

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, period of custody, charge-sheet has already been submitted and petitioner is neither apprehended on the spot nor anything has been recovered from conscious possession of the petitioner and also taking into consideration the material available on



record, let the petitioner above named be released on bail, **after framing of charge** 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 Sessions Judge-II-cum-Excise Court, Vaishali (Hajipur) in connection with Jandaha P.S. Case No. 28 of 2019, 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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