

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2114 of 2022

Arising Out of PS. Case No.-789 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Dharmendra Kumar, Son of Late Ram Prit Mahato, Resident of Village-
Lakridhahi Chandwara, P.S.- Town, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
		Mr. Dr. Bipin Chandra, Advocate
For the Opposite Party/s :		Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Sanjay Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Town P.S. Case No. 789 of 2021 for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, it is alleged that while the
police was on patrolling duty, on a secret information,
apprehended two persons, who were coming on a Scooty. It is
further alleged that on search being made 77.13 litres of foreign



liquor from two bags were recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner has no concern with the illicit foreign liquor, which have been found in two bags. Furthermore, the Scooty also does not belong to this petitioner. It is also submitted that there is no independent witness to support the prosecution case, apart from the fact that there is complete violation to the provisions prescribed for search, inasmuch as seizure list witnesses are only police personnel. It is also submitted that the petitioner is in custody since 10.10.2021 having fair antecedent, apart from the fact that the investigation of the crime has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended with bags containing illegal illicit liquor.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither the owner of the Scooty nor the bags containing the illicit liquor has been recovered from the conscious possession of the petitioner, apart from the fact that the petitioner is in custody since 10.10.2021, though the



investigation has already been concluded and charge-sheet has been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Town P.S. Case No. 789 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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