

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5771 of 2023**

Arising Out of PS. Case No.-118 Year-2022 Thana- KOTWA District- East Champaran

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SANJAY DHANGAR @ SANJAY DHANGAD @ SANJAY DHAGAR Son  
of Raghuni Dhangad Resident of Village - Dipau Dhangad Toli, P.S.- Kotwa,  
District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      02-05-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
30.11.2022 in connection with Kotwa P.S. Case No. 118/2022,  
F.I.R. dated 31.03.2022, for the offence punishable under  
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

According to prosecution case, 15 litres of country  
made liquor and 500 gram Nausadar are alleged to have been  
recovered from possession of the co-accused namely, Nanhak  
Dhangar allegedly that of the present petitioner.

Learned counsel for the petitioner submits that  
petitioner has falsely been implicated in the present case. He  
further submits that it appears from the F.I.R. as well as seizure



list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made behind the house of co-accused namely, Nanhak Dhangar and the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner has been implicated in the present case only on the basis that the petitioner has previously criminal antecedent of the same nature. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the four cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Civil Court, East Champaran at Motihari, in connection with Kotwa P.S. Case No.118/2022, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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.

**(Rajesh Kumar Verma, J)**

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