

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13360 of 2023

Arising Out of PS. Case No.-461 Year-2020 Thana- BIHAR District- Nalanda

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DHARMENDRA KUMAR S/O KRISHNA PRASAD Resident of Village-
Rahincha, P.S.- Shekhopur Sarai, District- Shekhpura,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad
For the Opposite Party/s : Mr. Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 414 of the IPC and 30 (a) of
Bihar Prohibition and Excise Act.

Altogether 10 liters of country made liquor is said to
have been recovered from a motorcycle. The petitioner is the
registered owner of the said motorcycle.

It is submitted by learned counsel for the petitioner is
quite innocent and has committed no offence. No incriminating
article has been recovered from the conscious physical
possession of the petitioner. He has no concern either with the
seized liquor or any trade of liquor. He has been falsely
implicated in this case at the instance of his enemy. He was not



apprehended on the spot and his name transpired in the case only on the basis that he is owner of the vehicle but the fact is that he had sold the said motorcycle to one Nitish Kumar. Petitioner has no criminal antecedent.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Bihar P.S. Case No.461 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to



inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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