

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15057 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- NADI P.S. District- Patna

=====

DHARMENDRA RAY @ DHARMENDRA KUMAR, aged about 30 years,
Gender, male, Son of Lal Bahadur Ray @ Lal Babu Ray R/v- Fatehjangpur,
P.S.- Nadi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Bharat Lal, App

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-05-2023 1. Heard learned counsel for the petitioner and the

learned APP for the State.

2. Petitioner seeks regular bail in connection with
Nadi P.S. Case No. 394 of 2022 dated 11.10.2022 registered for
the offence(s) punishable under Section(s) 30(a) of the Bihar
Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 35 litres of country made *Mahua* wine and the
same is stated to have been recovered from a sack kept on a
motorcycle but the petitioner is not stated to have been arrested
at the spot with the alleged wine, as per the allegation, this
petitioner and co-accused Suraj Kumar managed to escape on
seeing the police party and the name of this petitioner was
disclosed by the villagers who gathered at the place of recovery



but the said source of identification of this petitioner is completely unbelievable and moreover the recovery of the alleged wine was made before two police officials and accordingly there is no independent person of the said recovery and against the petitioner, investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the completion of investigation against the petitioner and also the facts that the petitioner was not arrested at the spot of recovery and he was made accused mainly on the basis of disclosure made by the villagers and the alleged recovery was made before two official persons, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Nadi P.S. Case No. 394 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Sanjay/-

U		T	
---	--	---	--

