

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14633 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- BARAULI District- Gopalganj

Dharmendra Kumar Son Of Madan Yadav R/O Village- Bachua Mahuaa Tola,
P.S.- Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 29.01.2023, in connection with Barauli P.S. Case No. 46 of 2023, F.I.R. dated 28.01.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

Recovery is of 174.03 litres of foreign liquor.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis that the petitioner was apprehended in the Bolero car. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of



the petitioner rather recovery has been made from the Bolero vehicle in question. He further submits that the petitioner is neither the driver nor the owner of the said vehicle and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum Spl. Judge Excise Court No. 1, Gopalganj in connection with Barauli P.S. Case No. 46 of 2023, 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 witness, 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 antecedents, 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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