

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20546 of 2023

Arising Out of PS. Case No.-174 Year-2021 Thana- PALIGANJ District- Patna

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Dhananjay Kumar @ Himanshu Kumar S/O Late Raj Kumar Yadav Resident
Of Village- Bhagjoga, P.S- Paliganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Special

Excise Case No. 3336 of 2021, arising out of Paliganj P.S.

Case No. 174 of 2021, registered for the offences

punishable under Sections 30(a) and 37(b)(c) of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

As per allegation, from the two vehicles, total

949.875 litres were recovered and two accused persons

were arrested. The arrested accused persons disclosed the

name of the petitioner as the person, who fled away from

the place of seizure.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious physical possession of the petitioner. He also submits that the petitioner was not arrested from the place of seizure and maliciously, on the confession of arrested co-accused persons, the petitioner has been roped in the present case.

He further submits that the petitioner has been languishing in jail since 01.02.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for regular bail.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge - Danapur, District Patna, in connection with Special Excise Case No. 3336 of 2021, arising out of Paliganj P.S. Case No. 174 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the



petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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