

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22630 of 2023**

Arising Out of PS. Case No.-400 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

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DHARMENDRA YADAV @ PATAR S/O LATE KALKTAR YADAV R/O  
Village- Dhudhya, P.S- Ara Muffasil, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Singh  
For the Opposite Party/s : Mr.Sunil Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      10-05-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Ara  
Muffasil P.S. Case No. 400 of 2022 registered for the offences  
punishable under Sections 30(a) of the Bihar Excise Act.

As per prosecution case, there is alleged recovery  
of 120 litres of country-made liquor from ditch situated in front  
of the house of the petitioner. Petitioner was not apprehended on  
the spot. On secret information name of present petitioner has  
been transpired in this case.

Learned counsel for the petitioner submits that  
petitioner is in custody since 22.02.2023 and bears no criminal  
antecedent. He further submits that nothing incriminating has  
been recovered from the conscious possession of the petitioner.



Petitioner is not apprehended on spot. On the basis of secret information name of present petitioner has been implicated in the present case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot. keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Exclusive Special Excise Court No. 1, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 400 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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