

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36156 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

DORJEE PHUNTSO KHIRME Son of Nima Tsering Khirme @ Sri Nimat
Singh Kharma R/o E-41, Zoo Road, P.S.- Chimpu, Itanagar, District -
Papumpare, Arunachal Pradesh

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Learned counsel for the petitioner has filed
supplementary affidavit. Let it be kept on record.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Begusarai P.S. Case No. 271 of 2022 registered for the offences
punishable under Section 120 (B) of the I.P.C. and Sections
30(a), 32(2) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 1604.475 litre foreign liquor from Tata mini truck in
question.

Learned counsel for the petitioner submits that
petitioner is not named in FIR and on the basis of his self-



confessional statement in Amba P.S. Case No. 34 of 2021, the name of the petitioner has been transpired in this case. He further submits that petitioner has been remanded in this case from Naubatpur P.S. Case No. 221 of 2022 on 25.02.2023 and since then he is in custody. Petitioner bears criminal antecedent of six cases of similar nature out of which he is on bail in two cases. Learned counsel for the petitioner orally submits that the vehicle in question does not belong to the petitioner. Petitioner is innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. No incriminating article has been recovered from the possession of the petitioner. He further submits that petitioner is not apprehended on the spot.

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 the spot, 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, **after framing of charge** 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 Judge – I, Begusarai in connection with Begusarai Town P.S. Case No. 271 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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