

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41859 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Dharmendra Kumar Son of Gobardhan Prasad Resident of village - Sirho, P.S.
- Pakridayal, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Pakridayal P.S. Case No. 48 of 2023 registered for the offence
under Sections 272, 273, 34 of the Indian Penal Code & Section
30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 22.04.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 2213.1 litres of IMFL/country made liquor.

6. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was not apprehended on spot and his name surfaced on the basis of suspicion raised by local Chaukidar, where during the course of investigation nothing incriminating appears as to connect him with present recovery of illicit liquor. While concluding the argument, it has been submitted that petitioner found involved in three more cases of similar nature, where he is on bail and in all these cases his name surfaced on the basis of suspicion, as of the present case and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Pakridayal P.S. Case No. 48 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court No. 2, East Champaran, Motihari/concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not
involve in the similar nature of offence till the
conclusion of trial, failing which the State shall
be at liberty to move before the trial Court itself
for the cancellation of bail bond of the
petitioner.

(ii) That accused/petitioner shall
cooperate in the trial and shall be physically
present on each and every date before the trial
Court till conclusion of the trial and exemption
from physical appearance be allowed by the
trial Court, only on medical ground of the
petitioner, duly supported by the documents.

(iii) That one of the bailors shall be
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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