

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47044 of 2023**

Arising Out of PS. Case No.-35 Year-2020 Thana- RAJPUR District- Rohtas

Dhanwant Kumr @ Dharmendra Kumar Son Of Janeshwr Chaudhary @
Janeshwar Chaudhary Resident Of Village- Khanda, Ps- Sasaram
(MUFASSIL), Dist- Rohtas At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Rajpur
P.S. Case No. 35 of 2020 registered for the offence under Sections
414 and 34 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 16.06.2023.



4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 3410.820 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of apprehended co-accused, namely Alakha Chaudhary, in furtherance of which no incriminating material and illicit liquor appears to be recovered during the course of investigation from the possession of this petitioner as to connect him with the present recovery of illicit liquor. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail 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.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.06.2023, accordingly, above named petitioner is directed to be released on bail in



connection with Rajpur P.S. Case No. 35 of 2020 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-cum-Additional Sessions Judge, Rohtas at Sasaram/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall not indulge in any criminal case till the conclusion of trial, failing which, the State shall be at liberty to move before the learned 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 learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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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