

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50393 of 2023

Arising Out of PS. Case No.-719 Year-2022 Thana- CHANPATIA District- West Champaran

RAJESH DHANGAR @ RAJESH MAHTO Son of Late Prabhu Dhangar
Resident of Village-Lohiyaria, Dhangar Toli, P.S.-Chanpatia (Kumarbag),
District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is an accused in connection with Chanpatia (Kumarbag) P.S. Case No. 719 of 2022 registered for the offences under section 30(a) and 30(d) of the Bihar Prohibition and Excise Act lodged on 23.12.2022 by the informant, Bhim Kumar Singh.

As per the prosecution story, police upon information that the accused persons are manufacturing illicit liquor in the sugarcane field of Dhruv Prasad, reached the place and recovered/seized utensils like iron oven, furnace, mechanism for brewery, gas cylinder of four litres, three aluminum pots with rubber pipe and 6 litres of country brewed liquor and 15 litres of jaggery-solution kept in two containers was destroyed at the



placed of seizure itself. Those present there were arrested, the petitioner one of them followed by the FIR.

It is the case of the learned Counsel for the petitioner that alleged recover/seizure is from the field of Dhruv Prasad and further the main allegation was against Bullet Yadav, they being villager were just present there but were implicated only because of criminal antecedent of more than half a dozen which has been lodged by the police in quick succession.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the submissions put forward by the learned Counsel for the petitioner as also that he is in custody since 17.05.2023 (as stated in paragraph 8 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, West Champaran at Bettiah in connection with Chanpatia (Kumarbag) P.S. Case No. 719 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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