

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53979 of 2023

Arising Out of PS. Case No.-91 Year-2021 Thana- BUDDHACOLONY District- Patna

Ajay Dhangar S/O Vilash Dhangar @ Ram Vilash Dhangar R/O China Kothi,
Harijan Colony, Ps- Buddha Colony, Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 15.05.2023 in connection with Special Case No. 1789 of 2021 arising out of Buddha Colony P.S. Case No. 91 of 2021, F.I.R. dated 10.03.2021 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

4. Recovery is of 26 liters of country made Wine.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R.



as well as seizure list that altogether 26 liters of country made wine has been recovered from the joint house of the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C. and the petitioner is not the exclusive owner of the house in question. The petitioner is in custody since 15.05.2023.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedents other than the present one.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Patna in connection with Special Case No. 1789 of 2021 arising out of Buddha Colony P.S. Case No. 91 of 2021, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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